



सर्व शिक्षा अभियान

सब पढ़ें सब बढ़ें

Extension of J.M.C.I.

फाइल सं० VI/11034/18/98 NCB-II
File No.

खण्ड IV
Volume

भारत सरकार
GOVERNMENT OF INDIA
गृह मंत्रालय
MINISTRY OF HOME AFFAIRS

अनुभाग
SECTION

पत्राचार
CORRESPONDENCE

को सूचीकृत की गई
Indexed on

आद्यक्षर
Initials

अमिलेख क/ख
Record A/B

अमिलेख ग में नष्ट गए
Record C Destroyed in

नोट किया जाए अनुभागीया नोट बुक
नोट न किया जाए

to be noted In Sectional Note Book
Not to be noted

अनु. अ./अधीक्षक के हस्ताक्षर
Initials of S.O./Supot

लिपिक के हस्ताक्षर
Initials of clerk

विषय

SUBJECT

Extension of Justice Mukherjee
Commission of Inquiry into the
alleged disappearance of Netaji
Subhash Chandra Bose writ Petition.

Notes - 05 pages
Correspondent - 55 pages

पिछले हवाले
Previous References

Linked file
VI 11034/18/98 DIII (NCB-II)
Vol. III

बाद के हवाले
Later References

10/11/15

①
No. 11034/18/1998-NCB-II(Vol IV)
MINISTRY OF HOME AFFAIRS
Security Division

FR under submission is a Status Report of Justice Mukherjee Commission of Inquiry for the month of December which is self explanatory and may kindly be seen for information.

In para 3 of the Status Report , it has been stated inter-alia that a copy of the Writ Petition dated 26.12.2004 of ten deponents, which is likely to be filed in the Kolkatta High Court on 6.1.2005, has been received on 27.12.2004, The respondents whereof are, interalia, the Union of India , The Secretary , Ministry of Home Affairs , Government of India, and the Chairman, Justice Mukherjee Commission of Inquiry. The Writ Petition is in the matter, inter-alia , of the Judgement dated 30th April 1998 passed by the Division Bench of the Hon'ble High Court , Calcutta in WP No. 281 of 1998 and the letter No. 11034/18/1998-NCB-II dated 19th Nov 2004 issued by Director (S) , Ministry of Home Affairs, Government of India following a Notification in the Gazette of India (Extraordinary bearing No.S.O.1265(E) issued by the Ministry of Home Affairs, Government of India on 14.11.2004 whereby the term of the Justice Mukherjee Commission of Inquiry. has been extended upto 14th May , 2005 as the last chance.

The undersigned discussed the issue with the OSD (JMCI) to ascertain the factual position. Shri Rai (OSD) confirmed that a Writ Petition and a Public Litigation have been filed in the Kolkatta High Court, by the Forward Block and 10 deponents of Justice Mukherjee Commission of Inquiry respectively enlisted in the Kolkatta High Court. As we are not aware of the contents of the Writ Petition/Public Litigation it is presumed that the same would have been received by our counsel Shri Tarakeshwar Pal at Kolkatta and he should defend the interest of the Government of India by opposing its admission at the time of hearing.

If approved to we may advice the Counsel to oppose the admission of the Writ Petition as per DFA placed on the file

Submitted please.


(M.S.ZUHA)
DO(NCB-II)
17.2.2005

DIR(S)

The undersigned also discussed the
issue with Shri Roy, OSD, JMC to
send the copies of the petitions filed.
He has already despatched these
documents to MHA. I also tried
to contact Mr. T. Pal, an advocate,
at his office as well as residence,
but he could not be contacted.

The admissions of the above writs
is yet to be decided by the
Hon'ble Court, Kolkata. It is suggested
that Shri Pal should be advised
to defend the interests of the Govt
on the points mentioned in the draft
(DFA). It is presumed that
the writs are mainly for the
period of the JMC. Subsequently
on the receipt of the petitions,
we shall prepare the parasitic
comments.

For orders pl.

Chakraborty
17/2

PS/s)

Re. get a copy of the writ
petition regarding for the Advocate and/or
JMC & Lpr.

De (S)

Documents

Chakraborty

21/2

Recd.
(7.2.2015)

mm K.

2940543 Dns
17/2
Dated 23/05/15 (S)
17/2
copy of w.p. is sent
for JMC! vide
our letter dt 17/2/15

Ref. note on pre-page -

As desired by the JS(S), a copy of W.P. No. 45(W)/2003 has been obtained from J.M.C.I. and placed below for perusal pl.

On perusal of the W.P. it reveals that this ~~was~~ listed for hearing on 14.01.05 but it is not clear whether it has been admitted or not. Dir(S) may like to discuss it with Sh. Tarkeshwar Pal, Central Govt. Counsel over telephone to ascertain the factual position.

Submitted pl.

L Khawar
28/2

Dir(S)

Sh. Day has confirmed that copy of W.P. has been sent to Sh. S. P. Singh. He may send the same. 21/02

Sh. B.N./N

✓ F/18

Placed below is the copy of the PIL filed by Shri Nand Lal against the decision of the govt. of India not to extend the term of the commission beyond 14.5.2005. He has requested the Hon'ble High Court, Calcutta, to rescind, recall and withdraw the letter dt. 19.11.2004 issued by the undersigned. He says that when the mystery of the disappearance of Netaji was about to be unveiled, the govt. of India is trying to stall the inquiry by not extending its term further.

2. The undersigned discussed the issue with Shri Ray, OSD to JMC. He said that the case came up for hearing on 14.1.05 but the Hon'ble chief Justice said that the PIL will be taken up only on its turn. The serial no. of PIL is 28. The court is taking up 2 PILs per week, he informed. Therefore, the fate of this PIL is yet to be decided. Meanwhile, he said that All India Forward Block has also filed PIL against the govt. of India's decision. I asked him to send the copy of the writ also,

Contd.

-5-

or is, however, suggested that whether
the PIL is admitted or not, we
should furnish parasitic comments
against the grounds of the petition
and send them to our counsel
in Kotticotta for vetting. I am also
trying to contact Sri Pal, our
counsel, on phone, but he is not
available.

3. Submitted p.1.

JSLS

May kindly see for information.

Manohar
28/12

Roll
1.3.2005.

Seen, Thanks.

AS(BM)

JSLS

WJ
1/3

Roll
1.3.2005.

Dr (S)

Re re-submit with
para-wise comments

Libby
3/3

Dr (in Zuhra)

692/DM(S)OS
28/12
F-306/JS(S)OT
1.3.05

1073/05/AS(BM)
1/3

JUSTICE MUKHERJEE COMMISSION OF INQUIRY
FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF
NETAJI SUBHAS CHANDRA BOSE.
'B' Block, (Third Floor)
11/A Mirza Ghalib Street, Kolkata-700087

Phone:

Chairman - 2252-2835
Secretary - 2252-2767
Officer on
Special Duty - 2252-2765
Office - 2252-2766/68

Fax : 033-2252-2765

REGISTERED A.D.

e-mail : jmc@vsnl.com

NO. JMCI/STAT.REPT./99-2000/33A(II)/340(4)

January 4, 2005

From : Shri M. Roy, IAS (Retd.)
Officer on Special Duty

- To :
1. The Secretary,
Ministry of Home Affairs,
Government of India, North Block, New Delhi-110001.
 2. The Secretary,
Ministry of External Affairs,
Government of India, South Block, New Delhi-110001.
 3. The Secretary,
Cabinet Secretariat, Government of India,
Rashtrapati Bhavan, New Delhi-110004.
 4. The Director,
Intelligence Bureau, Government of India,
Ministry of Home Affairs, North Block, New Delhi-110001.

Subject : Status Report from 01.12.2004 to 31.12.2004.

Ref : Your Office letter No.I/12014/I/2000-IS(D.III) dated 07.02.2000.

Sir,

I am directed to forward herewith a 'Status Report' of the Secretary of Justice Mukherjee Commission of Inquiry, for favour of taking necessary action at your end (in respect of such of the matters in the Status Report as may be applicable to your Ministry / Department / Office).

Yours faithfully,

(M. Roy)

Officer on Special Duty

Encl : As stated above

IS: [Signature]
[Signature]

Recd. 8 Jan 2005

Pl. write to our counsel
about the copy of the w.p. &
also to defend the interests of 902
in the court. Today
As (in [unclear]) 14/1

Not for [unclear]
[Signature]

76/NCB-2/05
10/2
[Signature]
18/11
NOT FOR
2.8.2
31/1
[Signature]
2.8.11
[Signature]

गृह मंत्रालय
Ministry of Home Affairs
New Delhi
क.दे.व. [unclear]
डाक सं. [unclear]

Justice Mukherjee Commission of Inquiry

88For Inquiry Into the Alleged Disappearance of

NETAJI SUBHAS CHANDRA BOSE.

'B' Block, (Third Floor)

11/A Mirza Ghalib Street, Kolkata-700087

STATUS REPORT

(From 01.12.2004 to 31.12.2004)

1. This Status Report is in continuation of the Status Report for the period from 01.11.2004 to 30.11.2004 forwarded earlier by the Commission to the Secretaries, Ministry of Home Affairs, Ministry of External Affairs, Cabinet Secretariat, as also to the Director, Intelligence Bureau, Government of India, for favour of taking necessary action at their respective ends (in respect of such of the matters in the Status Report as may be applicable to them).
2. The next hearing of the Commission is scheduled to be held on 07.01.2005 at 11.00 O'clock in the Seminar Hall, Annexe Building, Mahajati Sadan, 166, Chittaranjan Avenue, Kolkata 700007 when four witnesses, who have been summoned, are likely to be examined / further examined and arguments are likely to be heard. As agreed upon on the last date of hearing (09.12.2004), the Learned Advocate Smt. C. Alam appearing for the deponents, Shri Paras Dutta (Affidavit/23/2000), and Dr. (Mrs.) Purabi Roy (Affidavit/45/2000), is expected to argue first.
3. A copy of the Writ petition dated 26.12.2004 of ten deponents, which is likely to be filed in the Hon'ble High Court, Kolkata on 06.01.2005, has been received on 27.12.2004, the respondents whereof are, inter alia, the Union of India, the Secretary, Ministry of Home Affairs, Government of India, and the Chairman, Justice Mukherjee Commission of Inquiry. The Writ petition is in the matter, inter alia, of the judgment dated 30th April, 1998 passed by the Division Bench of the Hon'ble High Court, Calcutta in W.P. No.281 of 1998 and the letter No. 11034/18/98-NCB-II dated 19th November, 2004 issued by the Director (S), Ministry of Home Affairs, Government of India, following a Notification in the Gazette of India (Extraordinary) bearing No.S.O. 1265 (E) issued by the Ministry of Home Affairs, Government of India on 14.11.2004 whereby the term of Justice Mukherjee Commission of Inquiry has been extended upto 14th May, 2005 as the last chance.
4. The Secretary of the Commission in his d.o. letter No. JMCI/EO/2002-2003/83(III)/219 dated September 27, 2004 addressed to the Secretary (IS), Ministry of Home Affairs, Government of India, with a copy endorsed to the Director (CNV), Ministry of External Affairs, Government of India, communicated a tentative programme of the Commission for its visit to Singapore, Taipei, Thailand, Saigon and Kualalampur in course of a single tour during the period from November 15 or 16 to November 30, 2004 with a request for necessary Government sanction and communication of the same to the Commission as expeditiously as possible. A revised programme prepared on the basis of the flight information collected by the Commission has been enclosed with Commission's letter

2 W.P. filed
by Forward Block
w/ 10 deponents
→ listed for hearing

No.JMCI/Overseas-Witnesses/2000-01/70(III)/291 dated November 23, 2004 addressed to the Director (IS), Ministry of Home Affairs, Government of India, and the copy of the said letter coupled with its enclosures has been endorsed to the Joint Secretary, Ministry of External Affairs, Government of India, so that the process of according sanction might be initiated by the Government without any avoidable delay. The required proforma statement in the matter has also been sent to the Ministry of Home Affairs, Government of India, on 02.12.2004. In the context of the decision of the Ministry of Home Affairs, Government of India, that no further extension of the term of the Commission beyond 14.05.2005 will be allowed, it has, inter alia, been pointed out in the said letter that necessary order of sanction is required to be issued and communicated to the Commission with utmost despatch to enable the Commission to complete its visit to the abovesaid countries according to the programme enclosed to the Commission's aforesaid letter dated November 23, 2004 after giving the deponents at least three to four weeks notice from the date of commencement of the visit. The date of commencement of the visit is January 11, 2005 as proposed by the Commission. An unsigned letter bearing d.o. No.24/4/NGO-Vol.XIII dated December 30th, 2004 purportedly of the Joint Secretary (CNV), Ministry of External Affairs, Government of India and addressed to the Secretary of the Commission has been received by FAX at 17.27 hours on December 30th, 2004 which states, inter alia :

- "2. The revised dates of the visit have been conveyed to the respective Missions including ITA, Taipei. The ITA has informed that they had sought from you, details of the team's detailed programme in Taipei but have not heard from you so far. They have also indicated that it would be difficult to make arrangements for the visit, if it materializes now, given the fact JMCI has not yet conveyed specific information about the places that the team intends to visit or about the people it wishes to interview.
3. We would request you to provide the requisite information directly to the ITA, and periodically update it of the detailed programme under intimation to us."

The said "specific information" called for by the ITA, Taipei, appears to have not been solicited so far by the Indian Missions in Singapore, Saigon, Bangkok and Kualalampur. Besides, similar "specific information" was not solicited in the past by the Indian Missions in London and Tokyo who proposed the 'detailed programme' for the places desired to be visited by the Commission and the Commission approved the same.

However the Director (CNV), Ministry of External Affairs of the Government of India was informed long ago by Commission's d.o. letter No. JMCI/Taiwan/2003-2004/89/426 dated 22.12.2004 of the purpose of the proposed visit to Taipei, the places the Commission proposed to visit in Taipei and the witnesses it proposed to examine. The India Taipei Association has not yet asked the Commission to furnish "specific

information" for preparing detailed programme. The latest communication by e-mail from the India Taipei Association, reads, inter alia, as follows :

"We have been informed that JMCI will be in Taipei from 13-17 January, 2005. In anticipation of your visit we have already booked two rooms for the Commission at Grand Hyatt and Far Eastern Plaza Hotel. (booking at one of the hotel can be cancelled after you have made your choice).

2. Since it would be difficult for us make arrangements for the visit on a short notice, especially hiring of an interpreter etc., you are requested to intimate us about the arrangements to be made urgently.
3. You are aware that you would be required to carry sufficient cash for making payments of all your bills in Taipei. Owing to the nature of this office we do not have any arrangement for debiting expenditures to offices in India."

In order to enable the willing witnesses in Taipei to depose before the Commission, notice was published in a daily newspaper in Taipei.

5. The attention of the Director (CNV), Ministry of External Affairs, Government of India, has been drawn to Commission's letter No. JMCI/Overseas/Witnesses/2002-2003/70(II)/188 dated 05.08.2003 addressed to the Joint Secretary, (CNV), wherein the latter was requested to send particulars of some suitable willing Indian scholars/students of Post Graduate class available in the USA, indicating/suggesting the rate of remuneration, if any, acceptable to them unless they would agree to do the job of archival research at various American repositories of relevant historical documents relating to Netaji Subhas Chandra Bose, free of remuneration for academic interest or for the love and respect for Netaji. In the statement forwarded by the Ministry of External Affairs, Government of India with their d.o. letter no. 25/4/NGO-Vol.XII dated August 18, 2004, it has been stated, inter alia : "Our Mission in Washington has been requested to depute an Officer to look at the documents". In Commission's letter No. JMCI/Overseas-Witnesses/2000-01/70(III)/191 dated 02.09.2004 addressed to the Director (CNV), Ministry of External Affairs, Government of India, it has been stated, inter alia : "It may not be presumed that some specific documents have been offered by the American side which might be perused by an Officer to be deputed by the Indian Mission in Washington as it appears to have been stated" (in the statement of the Ministry of External Affairs at page 2 against para 4(c)(iv) of the said statement regarding the Commission's Status Report for June, 2004). It has also been stated in the said letter dated 02.09.2004 of the Commission : "What is needed is research work to find out whether there are relevant documents in the archival records in the USA". Further development in the matter is still awaited.
6. There has been little breakthrough as yet in the vital matter of DNA testing of the alleged mortal remains of Netaji Subhas Chandra Bose allegedly kept in the Renkoji temple in Japan notwithstanding close persuasion of the matter during the period of more than the past two years, by the Commission with the Ministry of Home Affairs and the Ministry

MEA

of External Affairs, Government of India, and the direct approach by the Commission to various organizations of India and abroad having expertise in DNA testing. In the context of the opinion of Dr. Lalji Singh, Director, CCMB at Hyderabad as expressed in his letter No. DCCMB/LS dated November 3, 2004, the Secretary in his d.o. letter No. JMCI/EO/2002-2003/83(III)/269 dated November 9, 2004 addressed to the Director (CNV), Ministry of External Affairs, Government of India with a copy to the Director (S), Ministry of Home Affairs, Government of India, has inter alia, requested the Director (CNV) to kindly intimate the Commission whether the Chief Priest of Renkoji temple would accede to a request to allow a competent person to be deputed by the Commission "to sort out the potentially less charred pieces of bones" from the Casket containing the alleged ashes of Netaji, for the purpose of ascertaining whether DNA may be extracted from the said pieces of bones. A copy of the said letter of Dr. Lalji Singh was enclosed with the aforesaid d.o. letter dated November 9, 2004 as also with the copy thereof endorsed to the Director (S), Ministry of Home Affairs. The consent of the Chief Priest of the Renkoji temple as sought for by the Commission, is still awaited.

MBA

7. The Director (S), Ministry of Home Affairs, Government of India, has again been requested by Commission's letter No. JMCI/Records/ND/99-2000/37(IV)/106 dated 12.07.2004 to take effective steps so that the File No. 10/22/CM-68 is sent to the Commission without any further delay. He has also been requested that if the contents of the said file are still classified as Secret, the competent authority should be moved so that the file may be made available to the Commission at least for the perusal of the Hon'ble Chairman as has been done earlier in the case of more than one file in respect of which privilege has been claimed by the Ministry of Home Affairs, Government of India. The response of the Ministry is still awaited.

MHA
Actioned

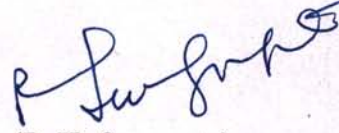
8. By Commission's letter No. JMCI/DOC(FOR)/99-2000/56(V)/228 dated September 28, 2004, the Director (CNV), Ministry of External Affairs, Government of India, has been furnished with a xerox copy of an article in Bengali titled, "Netaji 'Your Criminal', Nehru wrote to Attlee" authored by Shri Samit Kumar Dutta, a retired Director of the C.B.I., and published in the Dainik Statesman, dated 19.09.2004 wherein Shri Dutta has referred to one report dated 23.05.1946 sent by Mr. Danovan of American Consulate in Bombay (Mumbai) to the Home Secretary of the Government of the USA allegedly based on the information given to Mr. Danovan by his 'source'. The English translation of the said article has been sent to the Director (CNV), Ministry of External Affairs, Government of India, with Commission's letter No. JMCI/DOC-64(VI)/2004/293 dated November 23, 2004 as desired by him in his d.o. letter No. 25/4/NGO-Vol.XII dated October 12, 2004. The report and the particulars called for by the Commission in its aforesaid letter dated 28.09.2004 are still awaited.

MBA

9. By Secretary's Fax Message dated October 5, 2004, the attention of Dr. V.K. Kashyap, Director, CFSL, Kolkata, has been drawn to the Secretary's d.o. letter No. JMCI/EO/2002-2003/83(III)/103 dated July 6, 2004 to him regarding detection of latent finger prints in books, papers, etc. and he has been requested to kindly expedite the matter which is very urgent and important. The response of Dr. V.K. Kashyap is still awaited.

CPSL

10. By Commission's letter No. JMCI/DOC/99-2000/56(V)/289 dated 22.11.2004, the Joint Secretary (CNV) has been furnished with a xerox copy of the affidavit dated February 2, 2000 filed before the Commission by Shri Kamal Dutt of Vill. Station Road, P.O. Hojai, Dist. Nagaon, Assam 782435 with a request to furnish immediately information, if any available, regarding the Soviet Agent, Sayadyants V. who, according to Shri Kamal Dutt, the deponent, left Russia in 1959-60 permanently for India as mentioned in his said affidavit. The Joint Secretary was also requested to take necessary action so that the Ministry of External Affairs, Russian Federation is approached for the documents allegedly kept in the Russian Archives of Foreign Affairs, Russian Federation as claimed by the deponent in his said affidavit. The response of the Ministry of External Affairs, Govt. of India is still awaited.
11. Further to the position stated in para 14 of the monthly Status Report for October, 2004, it is pointed out that the Joint Secretary (CNV), in his d.o. letter No. 25/4/NGO-Vol.XIII dated October 28, 2004 has intimated, inter alia, that Mr. Simon Tensing De Cruz, S/o. Late Gerold De Cruz, presently Singapore's Ambassador to Myanmar has verbally informed the Indian Ambassador in Myanmar that his father did not serve as the Personal Assistant to Netaji Subhas Chandra Bose; that the correct title of the book written by his father is 'Rojak Rebels'; that the book has been out of print for long and no extra copy thereof is available; and that on being requested for a photostat copy of the book available with Mr. De Cruz, he has simply provided the Indian Ambassador with a photocopy of the Chapter which he considers to be relevant to Netaji. The said photocopy has been sent to the Commission by the Joint Secretary (CNV) with his aforesaid d.o. letter dated October 28, 2004 but the same contains nothing which is relevant to any of the terms of reference of the Commission


(P. K. Sengupta)
Secretary

BY FAX

7

**No. 11034/18/1998-NCB-II
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

New Delhi, Dated: 14.2.2005

From

**Director(S)
Ministry of Home Affairs
New Delhi**

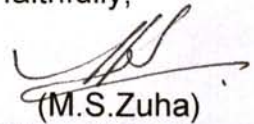
To

**OSD,
Justice Mukherjee Commission,
'B' block(Third Floor),
11/A Mirza Ghalib Street,
Kolkatta - 87.**

Sir,

Please refer to your letter No.JMCI/Stat.Rep/99/2000/33A (iii)/340(4) dated 4/1/05 forwarding therewith a status report for the month of December 2004 and to say that a copy of Writ Petition/Public litigation stated at para 3 of the status report may kindly be sent to this Ministry by return fax.

Yours faithfully,



(M.S.Zuha)
Desk Officer(NCB-II)



JUSTICE MUKHERJEE COMMISSION OF INQUIRY
FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF
NETAJI SUBHAS CHANDRA BOSE.
'B' Block, (Third Floor)
11/A Mirza Ghalib Street, Kolkata 700 087

Phone:

Chairman - 252-2835
Secretary - 252-2767
Officer on
Special Duty - 252-2765
Office - 252-2766/68

e-mail: jmcinsecb@cal.3.vsnl.net.in

Fax:
0091-033-252-2765

No. JMCI/Status Report/99-2000/33A(III)/420.

Kolkata, dated, 16.02.05.

From : Shri M. Roy, IAS (Retd.),
Officer on Special Duty

To : The Director(s)
Ministry of Home Affairs
Government of India,
North Block,
New Delhi - 110001.

Attention : Shri M.S.Zuha (NCB-11), M.H.A.

Ref : Your letter No. 11034/18/1998-NCB-11
dated 14.2.2005.

Sir,

I am directed to state that as desired in your letter under reference, I am sending herewith a Xerox copy of the Writ Petition mentioned in para 3 of the Commission's Status Report for December 2004 forwarded to the MHA under the Commission's Letter No. JMCI/Stat. Report/ 99-2000/33A(III)/340(4) dated 4.1.05.

Yours faithfully,

(M. Roy)
Officer on Special Duty



Recd today
18/2/05
Sir,

May like to see at DSK stage

Dir (S)
96/MCB-D/05
23/2

Rudra Jyoti Bhattacharjee (Advocate)

Date: 12-01-2005

9
JECI/194
12/1/05

To,
The Central Government Advocate
M.O.L.
4, N. S. Roy Road,
Kolkata - 1

Re: W.P. NO. 45(W) of 2005
Nandulal Chakrabarti & Ors.
- vs -
Union of India & Ors.

Sir,
Please be informed that the above mentioned matter shall be mentioned before the division bench consisting of the Hon'ble Justice Altamas Kabir the Acting Chief Justice and the Hon'ble Justice Asit Kumar Bisi on 13-01-2005 at the first sitting of the court, for hearing of the matter on 14-01-2005, when please make convenient to attend.

Sincerely,
Rudra Jyoti Bhattacharjee, Advocate

Signature

SO
Placed up in the relevant file.
12.01.05

Copy to:

1. Justice Mukherji Commission of Inquiry,
11A, Mirza Ghalib Street, Kolkata.
2. Dr. Purabi Roy, ~~Ward~~
47, Abdul Halim Lane,
Kolkata.

Signature
12-1-05



Date: 26.12.2004

To
Central Govt. Advocate,
Ministry of Law, Justice & Company Affairs,
4, Kiron Shankar Roy Road,
Kolkata - 700 001.

Re : W.P. No. (W) of 2004
Nandalal Chakraborty & Ors.
- Vs -
Union of India & Ors.

Sir,

Please find herewith a copy of the abovementioned application which shall be filed on 6.01.2005 and the matter shall appear before the Hon'ble Ajoy Nath Ray the Acting Chief Justice and the Hon'ble Justice Arun Kumar Mitra and or any other appropriate Bench on 07.01.2005 or as and when business of the said Hon'ble Court permits, when make convenient to attend.

Yours Sincerely,

Copy to :-

1. The Secretary, Ministry of Home Affairs, Government of India, North Block, New Delhi.
2. The Director(s), Ministry of Home Affairs, Government of India, New Delhi.
3. The Secretary, Ministry of External Affairs, Government of India, New Delhi.
4. The Chairman, Justice Mukherjee Commission of Enquiry, 'B' Block, 3rd Floor, 11A, Mirza Galib Street, Kolkata - 700 087.
5. The Secretary, Justice Mukherjee Commission of Enquiry, 'B' Block, 3rd Floor, 11A, Mirza Galib Street, Kolkata - 700 087.
6. Dr. Purabi Roy, resident of 47Cm Abdul Halim Lane, P.S. Taltala, Kolkata - 700 016.

Subject - CALCUTTA

Through
Kudra Jyoti Bhattacharya
Advocate

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P. No. (W) of 2004 ;

In The Matter of :

An application under Article 226 of the
Constitution of India ;

- And -

In The Matter of :

Public Interest Litigation ;

- And -

In The Matter of :

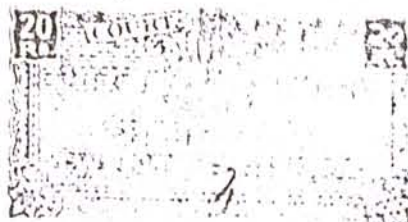
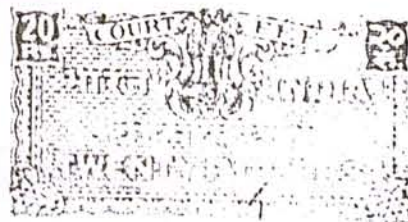
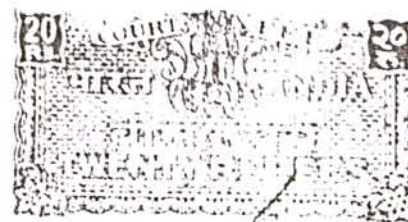
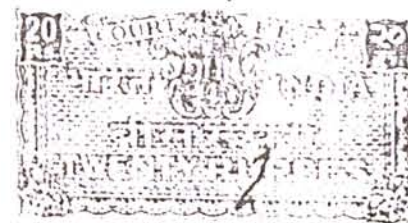
A writ of and/or order or direction in the
nature of Mandamus, Certiorari and Prohibi-
tion ;

- And -

In The Matter of :

Jugement dated 30th April, 1998 passed by the
Division Bench of the Hon'ble Court Calcutta
consisting of the Hon'ble Prabha Shankar
Mishra the Chief Justice (as His Lordship then
was) and the Hon'ble Justice Bhaskar Bhatta-
charjee in W.P.No. 281 of 1998 ;

- And -



In The Matter of :

Gazette of India, Extraordinary Notification No. S.O.339 (E) dated 14-5-1999 whereby the Government of India appointed Justice Monoj Kumar Mukherjee (Retired Judge of Supreme Court of India) Commission of Inquiry to inquire into the mysterious disappearance of Netaji Subhas Chandra Bose ;

-And-

In The Matter of :

Notification No. Notfn/010/99/JMCI dated 3rd December, 1999 issued under the signature of the Secretary, Justice Mukherjee Commission of Inquiry announcing establishment of it's office and inviting statement and evidences from the public in general ;

-And-

In The Matter of :

The letter No. 11034/18/98-NCB-II dated 19th November, 2004 issued by the Director(S), Ministry of Home Affairs, Government of India, following a notification in the Gazette of India Extraordinary No. S.O. 1265(E) issued by the Ministry of Home Affairs, Government of India on 14-11-2004 whereby the term of the Justice Mukherjee Commission has been extended up to 14th May, 2005 at last chance ;

-And-

In The Matter of :

1. Shri Nandalal Chakrabarti, resident of 559/1,
Dadkshin Dari Road, P.S. Laketown, Calcutta-
700 048 ;
2. Shri Surajit Das Gupta, resident of 25/1 Guruprasad Chowdhury Lane, P.S. Amherst Street,
Calcutta- 700 006
3. Shri Tarun Kumar Mukherjee, resident of 2/1,
Brindaban Mullick 1st Lane, P.S. Amherst Street
Calcutta- 700 009 ;
4. Shri Jagatjit Das Gupta, resident of 25/1,
Guruprosad Chowdhury Lane, P.S. Amherst Street
Calcutta- 700 006 ;
5. Shri Kusan Sankar Chowdhury, resident of 22B,
Justice Manmatha Mukherjee Row, P.S. Amherst
Street, Calcutta- 700 009 ;
6. Shri Sunil Arishna Gupta, resident of 38,
Vidyasagar Street, P.S. Amherst Street, Calcutta
700 009 ;
7. Dr. Madhusudan Pal, Cardio-Thoracic Surgeon,
resident of Sraboni Abasan, Flat A-5/2, Sector
III, Saltlake City, Kolkata-700 016 ;
8. Jayanta Chowdhury, Son of Late Rabindra Kumar
Chowdhury, part time Lecturer & Research Scholar on Netaji Subhas Chandra Bose, resident
of Government Housing Estate, ~~ODRC~~ ODRC-Blink
Lock L/U, Flat No.7, Kolkata-700038

...PETITIONERS

-VERSUS-

1. Union of India, Service through the Principal Secretary to the P.M. Office South Block, New Delhi
2. The Secretary, Ministry of Home Affairs, Government of India, North Block, New Delhi
3. The Director(S), Ministry of Home Affairs, Government of India, New Delhi
4. The Secretary, Ministry of External Affairs, Government of India, New Delhi
5. The Chairman, Justice Mukherjee Commission of Enquiry, B Block, 3rd Floor, 11A Mirza Galib Street, Calcutta- 700087
6. The Secretary, Justice Mukherjee Commission of Enquiry, B Block, 3rd Floor, 11A Mirza Galib Street, Calcutta- 700 087

...RESPONDENTS

7. Br. Purabi Roy, resident of 247/A, Abdul Halim Road, P.S. Taltala, Kolkata.

...PROFORMA RESPONDENT

To

The Hon'ble Ajoy Nath Ray the Acting Chief Justice and His Companion Justices of the said Hon'ble Court

The humble petition of the petitioners
named above most respectfully ;

S H E W E T H:

1. That the petitioners are citizen of India and have espoused the cause of public at large on several occasions, particularly on the subject "Netaji Subhas Chandra Bose". *No comments*
2. That the petitioners have voluntarily engaged themselves in research work on Netaji Subhas Chandra Bose for more than last 25 years at their own cost and sacrifice, particularly the petitioner No.8 is a research scholar on the subject 'Netaji Subhas Chandra Bose' under Kolkata University and also part time lecturer. *no comments*
3. That the petitioners are member of 'Netaji Subhas Chandra Bose X Bhabana Mancha' a registered Trust established with an object inter alia to research on the thoughts, ideals and sacrifices of 'Netaji Subhas Chandra Bose' in the making of modern India. *no comments*
4. That the petitioners No.1 to 7 moved a writ petition under Article 32 of the Constitution of India before the Hon'ble Supreme Court of India challenging the conferment of posthumous 'Bharat Ratna' Award to Netaji Subhas Chandra Bose. The Division Bench consisting of the Hon'ble Justice Sujata V Mohihar and the Hon'ble Justice J.B. Pattanayak. Their Lordships upon hearing the parties at length cancelled the said Posthumous Bharat Ratna Award. *Mallik of records*
5. That the petitioners are also appearing before the Justice Mukherjee Commission of Inquiry into the mysterious Disappearance of Netaji Subhas Chandra Bose and have submitted volume of

documents obtained from National Archive and from other sources, which the petitioners believe to be authentic and genuine. The Justice Mukherjee Commission has also taken up the statement and documents filed by the petitioners for its consideration.

6. That a writ petition being W.P.No.281(W) of 1988 (Rudra Jyoti Bhattacharjee and Anr. -Vs- U.O.I. & Ors.) was moved under Article 226 of the Constitution of India, which was treated as public Interest Litigation. The said writ petition was heard and disposed of by the Division Bench consisting of the Hon'ble Prabha Shankar Mishra, the Chief Justice(as His Lordship then was)and the Hon'ble Justice Bhaskar Bhattacharjee on 30-4-1998, reported in AIR 1999 Calcutta. Their Lordships in the said judgement have directed the respondents as follows:-

- 1) a) Respondents shall launch a vigorous enquiry in accordance with law by appointing, if necessary, a Commission of Enquiry as a special case for the purpose of giving an end to the controversy.
- b) Whether Netaji Subhas Chandra Bose is dead or alive;
- c) If he is dead whether he died in the plane crash, as alleged ;
- d) Whether the ashes in the Japanese temple are ashes of Netaji ;
- e) Whether he has died in any other manner at any other place and, if so, when and how ;
- f) If he is alive, in respect of his whereabouts .

- 11) The respondents shall follow for the said purpose the directions of this court given in W.P.No. 1805 of 1997 namely, to take the people of India in confidence ; petitioners crave leave to produce the said reported judgement at the time of hearing .

NP Combs

7. That the Government of India was very much unwilling to set up the Commission of Inquiry and took more than a year time for appointment of the present Commission of Inquiry. A notification No. S.O. 339 (E) dated 14-5-1999 published in the Gazette of India: Extraordinary whereby one man Commission of Inquiry has been set up, which Justice Monoj Kumar Mukherjee (a retired Judge of the Supreme Court of India) is the Chairman. (hereinafter referred to as "the Commission") The terms of reference of the Commission are in compliance to the guide line framed in the above mentioned judgement dated 30-4-1998 passed by the Division Bench of this Hon'ble High Court .

*Rudra Sanyal
file to be
seen*

'P/1' A copy of the said notification dated 14th May, 1999 is annexed hereto and marked as Annexure 'P/1' .

8. That the Government of India, appointed the present Commission of Inquiry, without providing any infra-structure and without even any office accommodation for the said Commission .

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9. The Justice Mukherjee Commission however on it's own effort set up it's office at the address mentioned above in cause title and circulated a notification being notfn/010/99/JMCI dated 3rd December, 1999 inviting statement and evidence/documents from the

*No dispute was made
that joint effort
to begin the
set up the
Commission*

the public in general .

'P/2' A copy of the said notification dated 3-12-1999 is annexed hereto and marked as Annexure 'P/2' .

10. That a writ petition being W.P.No.11195(W) of 1999(Bijon Ghosh-Vs- U.O.I. & Ors.) was filed before the Division Bench consisting of the Hon'ble Satyabrata Sinha the Acting Chief Justice (as His Lordship then was) and the Hon'ble Justice M.H.S. Ansari. Their Lordships on the basis of submissions made on behalf of the respondents government of India gave direction to the effect that "it shall render all assistance to the Commission for giving a clinching findings on the relevant issue".

'P/3' A copy of the said judgement dated 1-12-1999 is annexed hereto and marked as 'P/3' .

11. That the said Commission in the course of its proceeding has recorded evidence by more than one hundred fifty(150) witnesses, some of whom are eye witness. The Commission has also asked for production of the government ~~affix~~ records and files, list of which filed by the petitioners. The government of India ignored to produce some very important files and records claiming privilege in respect of those files and record, on the plea that the contents thereof if disclosed, may adverse by affect the relationship with some foreign countries and there remains apprehension of public unrest. Even after fifty seven(57) years of Indipendence .

In this context, the petitioners have submitted the statement of

earstwhile Prime Minister Morarji Desai's statement including statement of Dhaniklal Mondal the then Home Minister on the floor of the parliament. The Government of India till date avoided to produce those documents on the basis of which the then Prime Minister turned down the report of the earlier commission and committee.

*L. H. ...
an affidavit
was filed
?*

P/4: A copy of the statement of Morarji Prhai Desai and Dhaniklal Mondal is annexed hereto and collectively marked as 'P/4'.

12. Petitioners state that the Commission since February, 2001 has been requesting the Secretary, Ministry of External Affairs, Government of India to persuade the government of Russian Union as also the government of States which previously belonged to the remaining territorial limits of the USSR so that the archival documents concerning Netaji Subhas Chandra Bose/Indian National Army, if any, lying in the relevant archives in those countries could be scrutinized by/ or on behalf of the Commission and certified copies of Micro-Films/ Micro-Fiches of the relevant documents could be collected by the Commission immediately. The Ministry of External Affairs, Government of India, in their response dated September 8, 2004 have stated, inter alia: "Our Mission in Moscow is still awaiting confirmation from the Russian Foreign Office with regard to JMCI's request for access to the archives in Russia".

MBA

13. Petitioners state that the Ministry of Home Affairs, Government of India initially appointed the Commission for six(6) months, but extended its tenure of functioning by six(6) months on each occasions on the request of the Commission, as it was and is still a failure on the part of the government of India to make arrangement to

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MHA

*copy of notification
to be attached*

visit Russia, Vietnam, Taiwan, Singapore with liberty to have an access to the archives in Russia and Vietnam particularly .

14. The petitioners, being deponents before the Commission, repeatedly prayed before the Commission to visit Taiwan, Singapore, Vietnam and Russia with liberty to have an access into the archives of Vietnam and Russia. It would be relevant to mention here that the petitioners have visited all the places in India wherever the Commission has visited for its purposes of Inquiry. Even in abroad the ~~representative~~ representative of the petitioners Dr. Madhusudan Pal has visited Tokyo. Petitioners state that unless the said places are visited by the Commission the exact state of affairs will not be disclosed, for which visit of those places are essential to unvail the mystery under question .

15. Petitioners state that the reasons for visiting Taiwan, Singapore, Vietnam and Russia are as follows :-

1) Pursuant to a query by one of the associates of the petitioners, Sri Anuj Dhar the Taiwan Government has sent its inquiry report regarding the alleged Aircrash to Sri Anuj Dhar by and through e-mail communication. The said report of Taiwan government was submitted before the Commission and the Commission also got the said letter verified from the Taiwan Government. The report of the Taiwan Government was that no air crash took place within the period from 14th August, 1945 to 24th October, 1945.

'P/5' A copy of the said e-mail communication of the Taiwan government is annexed hereto and marked as Annexure 'P/5' .

- 11) That a team of scholars of the Asiatic Society visited Russia to study Indo-Soviet relationship. The said scholars, during their interactions with Soviet Research Scholar B. Turadzev, gathered informations on the basis of the materials collected from the K.G.B. and President's Archives at Russia, that the documents lying with the Russian Archives will throw new light on the real story. Moreover, the proforma respondent being one of those scholar visited Russia, came across a very striking archival document which reveals existence of Netaji Subhas Chandra Bose in Russia after 18th August, 1945. The news were circulated through out India. The Proforma-Respondent also submitted certain relevant documents before the Commission regarding existence of Netaji Subhas Chandra Bose even in the year 1946. .

'P/6' A copy of each of the news clippings of different dailies are annexed hereto and collectively marked as 'P/6' .

- 111) The petitioners came across a government top secret File No. 23(II)/56/57/PM of the Prime Minister's Office which contains a note of Sri M.O. Mathai dated 2-12-1954 endorsed to the then Joint Secretary (AD), Sri Prem Krishan to the following effect :

"Ministry of External Affairs received a small amount of Rs. 200/- and odd alongwith the ashes and other remains of Late Subhas Chandra Bose from the Indian Embassy in Tokyo" :

P/7' A copy of the said secret note of Sri M.O. Mathai dated 2-12-1954 is annexed hereto and marked as 'P/7' .

16. Petitioners from the begining of the functioning of the Commission, prayed repeatedly for visit to Taiwan, Russia and Vietnam with liberty to access to the archives in Russia and Vietnam. The Commission has also persuade the government of India since February, 2001, but till date no fruitful response received from the Government of India .

17. It appears from status report dated 7-12-2004 issued by the Commission that the letter No. 11034/18/98-MCB-II dated 19-11-2004 issued under the signature of Director(S), Ministry of Home Affairs, Government of India following a notification published in the Gazette of India Extraordinary dated 14th November, 2004, extending the tenure of Commission upto 14th May, 2005, wherein it has also been stated :

"I am also directed to request that the Commission may complete and submit its report within the extended period as it has been decided that no further extension beyond 14th May, 2005 will be allowed."

"The said status Report further reveals that the Commission by it's letter No. JMCI/EO/2002-2003/83 (III)/292 dated 23rd November, 2004 intimated the Joint Secretary, (CNV) Ministry of External Affairs, Government of India to the following effect:

"I am directed to request you to note that in view of peremptory direction of the government of India the Commission can not undertake it's proposed visit, for the purpose of its inquiry, to Moscow and other places of the Russian Federation including Omsk untill the bitter winter season there is over which is not likely before May, 2005. The Commission is constrained to cancel its programme of visit to the Russian Federation".

The petitioners could not obtain copy of the letter dated 19-11-2004 as the same is an official correspondence between the Commission and the Government of India.

A copy of the Gazette notification dated 14-11-2004, letter 'P/8' dated 19-11-2004 the status report dated 7-12-2004 and the proceeding dated 9-12-2004 is annexed hereto and collectively marked as Annexure 'P/8'.

18. Petitioners state that the Commission's reply, on receipt of the Gazette Notification dated 14-11-2004 and letter dated 19-11-2004, as it appears from the status report dated 7-12-2004, accepting the illegal terms dictated by the government of India, frustrating thereby the whole purpose of the Inquiry in depth and to give a clinching finding on the subject, as directed by this Hon'ble Court. The respondent No.5 the Commission by issuing a letter dated 16th December, 2004 has fixed the date of argument from 7th January, 2005 without inquiring into the subject matter completely. More particularly the Commission ignored to visit the most important places like Taiwan, Russia and Vietnam before the argument begins. It is asserted that it is extreme necessity to visit those places, as without visit to

those places a clinching finding on the terms of reference can not be given.

'P/9' A copy of the letter dated December 16, 2004 issued by the Commission is annexed hereto and marked as annexure 'P/9' .

19. Petitioners submit that when the mystery of the disappearance Netaji Subhas Chandra Bose intensified and/or despend and the intrigant role of the Government of India is on the verge to be unveiled, the government of India being scared of its intrigues to be disclosed, is trying to stall the present Commission of Inquiry, by imposing limitation on the Commission to complete the Inquiry and to submit report by 14-5-2005. More particularly the government of India has blatantly prevented the commission as well the deponents from unveiling the mystery of disappearance of Netaji Subhas Chandra Bose .

20. Petitioners further submit that the government of India while publication of the Gazette notification dated 14th May, 1999 declared : "The Government is of the opinion that it is necessary to appoint a Commission of Inquiry for the purpose of making an indepth inquiry into a definite matter of public importance, namely, the disappearance of Netaji Subhas Chandra Bose in 1945. But, acts and conducts of the government of India have so far been malafide and inconsistent with the aims and object of appointing Justice Mukherjee Commission of Inquiry, for which intervention of this Hon'ble High Court is essential .

21. Petitioners further submit that the respondent authorities have acted illegally in issuing Gazette of India: Extraordinary dated 14th November, 2004 and the letter dated 19th November, 2004 being Annexure 'P/8' herein, which amount to an attempt to prevent the Commission from making an indepth inquiry into the matter of mysterious disappearance of Netaji Subhas Chandra Bose, which is contrary to the notification appointing the Commission of Inquiry and as such the letter dated 19th November, 2004 should be set aside .

22. Petitioners further submit that the respondents authorities have acted in gross violation of its own assurances before this Hon'ble court relied upon which the judgement dated 1-12-1999 was passed by the Division Bench of this Hon'ble court in W.P.No. 11195(W) of 1999, ~~XXXXXX~~ for which the letter dated 19-11-2004 as well as last part of the Gazette notification dated 14-11-2004 imposing unreasonable restrictions to wind up the inquiry without providing reasonable requirements to the Commission to give a clinching finding on the subject matter, for which the letter dated 19-11-2004 imposing such unreasonable restriction of time should be set aside .

23. That being aggrieved by and dissatisfied with the letter dated 19-11-2004 and the notification dated 14-11-2004 the petitioners beg to move before this Hon'ble court under writ jurisdiction on the following amongst other ;

G R O U N D S

I) For that the when the mystery of the disappearance of Netaji Subhas Chandra Bose intensified and/or despend and the intrigant role of the Government of India is on the verge to be unveiled, the government of India being scared of its ^{intrigues} ~~inquiries~~ to be disclosed, is trying to stall the present Commission of Inquiry, by imposing limitation on the Commission to complete the Inquiry and to submit report by 14-5-2005. More particularly the government of India has blatantly prevented the commission as well the deponents from unveiling the mystery of disappearance of Netaji Subhas Chandra Bose, which is malafide and illegal, for which inteference of this Hon'ble court is essential .

II) For that the Government of India while publication of the Gazette notification dated 14th May, 1999 declared: "the Government is of the opinion that it is necessary to appoint a commission of Inquiry for the purpose of making an indepth inquiry into a definite matter of public importance, namely, the disappearance of Netaji Subhas Chandra Bose in 1945. But, acts and conducts of the government of India have so far been malafide, illegal and inconsistent with the aims and object of appointing Justice Mukherjee Commission of Inquiry, for which intervention of this Hon'ble court is essential.

III) For that the respondent authorities have acted illegally in xissuing Gazette of India: Extraordinary dated 14th November, 2004 and the letter dated 19th November, 2004 being Annexure 'P/8' herein, which amount to an attempt to prevent the Commission from making an indepth inquiry into the matter of mysterious disappearance

of Netaji Subhas Chandra Bose, which is malafide, illegal and contrary to the Notification appointing the Commission of Inquiry and as such the letter dated 19th Nivember, 2004 should be set aside.

IV) For that the acts ~~summarized~~ of the respondents as complained of are otherwise bad and illegal for which intervention of this Hon'ble court is essential.

24. Petitioners state that the instant writ application is a public interest litigation, since Netaji Subhas Chandra Bose is one of the greatest National leaders of international importance. His mysterious disappearance is still wreaking and agitating the mind of the public of India. The government of India is also of the opinion that his mysterious disappearance is definite matter of public importance and an in depth inquiry is necessary.

25. Petitioners are under constraint to move the instant writ application extreme urgent, as the notice dated 16th December, 2004 issued by the commission fixing hearing arguments on and from 7th January, 2005 without completion of the inquiry and collecting complete evidence, which will frustrate the entire purpose of the Commission .

26. That unless an order as prayed for including the ad-interim order is passed by this Hon'ble court your petitioners shall suffer irreparable loss and injury .

27. That the instant application is made bonafide and in the interest of justice .

Under the facts and circumstances stated above your petitioners most humbly pray that your ~~gracious~~ Lordships may graciously be pleased to issue ;

- a) A writ of and/or order or direction in the nature of Mandamus Commanding the respondents to rescind, recall and withdraw the letter No. 11034/18/98/-NCB-II dated 19-11-2004 ~~passed~~ issued by the respondent No.3 being Annexure 'P/8' herein and to act in accordance to law by allowing the Commission of Inquiry being respondent No.5 to inquire into the subject matter completely ;
- b) A writ of and/or order or direction in the nature of Mandamus Commanding the respondent, more particularly the respondent No.2 to act in accordance to law and to rescind, recall and withdraw substituted paragraph 4 of the notification No.S.O.1265(E) dated 14th November, 2004 published in the Gazette of India:Extraordinary to the extent of last part of the substituted paragraph 4 forthwith and to allow the Commission of Inquiry the respondent No.5 to function properly till the investigation is complete ;
- c) A writ of and/or order or direction in the nature of Mandamus Commanding the respondents, more particularly the respondent No.5 and 6 to act in

29

accordance to law and to function properly and investigate into the subject matter properly and investigate into the subject matter properly in all respect and to allow the petitioners to inspect and examine the public documents available with it ;

- d) A writ of and/or order or direction in the nature of Certiorari requiring the respondents certify, transmit and produce all relevant records to show their justification for imposing time limitations by way of issuing letter dated 19-11-2004 and substituted paragraph 4 of the Gazette notification No.80 1265(E) dated 4-11-2004 and to show cause as to why the said Gazette notification to that extent and the letter dated 19-11-2004 as complained of should be not be set aside and upon perusing the cause so shown and upon hearing the parties be pleased to make the rule absolute by quashing the said letter dated 19-11-2004 and modifying the notification dated 14-11-2004 being Annexure 'P/8' herein ;
- e) Rule N I S I in terms of prayer 'a', 'b', 'c'

Contd...

20

f) An ad-interim order restraining the respondent No.2 from giving any effect or further effect to it's letter dated 19-11-2004 and also restraining the respondents No.5 and 6 from asking the deponents to to conclude hearing before visiting Russia, Taiwan and Vietnam also before complete inspection of the record and documents, received by the Commission from Government of India and other sources ;

And such other or further order or orders as to your Lordships may seem fit and proper for the ends of justice .

And your petitioner as in duty bound shall ever pray .

I certified that Surajit Dasgupta is petitioner no.4 in this case and he is duly authorized to sign and affirm an affidavit on behalf of the other petitioners

Surajit Dasgupta:

Kundra Jyoti Bhattacharyya
Advocate
27.12.04



A F F I D A V I T

I, Surajit Das Gupta, Son of Late Jatindra Mohan Das Gupta, aged about 50 years, by faith Hindu, by occupation -Freelance Journalist, resident of 25/1, Guru Prosad Chowdhury Lane, P.S. Amherst Street, Calcutta-700006 do hereby solemnly affirm and state as follows;

1. That I am the petitioner No.4 of the foregoing petition and am well acquainted with the facts and circumstances of the matter and issues under the terms of reference and also I have been authorised by all the petitioners to affirm this Affidavit for and on their behalf and as such, I am competent to affirm this Affidavit .

2. The statement made in paragraphs 1,2,3,4,5,8,9,14,16,23,24, 25,26 and 27 are true to my knowledge, those made in paragraphs 6,7, 9,10,11,12,13,15,17 and 18 are informations derived from Documents, Records and Newspaper Reports which I verily believe to be true and those made in paragraphs 19,20,21 and 22 are my humble submissions before this Hon'ble Court.

Deponent is known to me

Clerk to :

Prepared in my office

Rudra G. S. Bhattacharya
Advocate

Mr. A. J. Bhattacharjee
Advocate

Solemnly affirmed before me
on this the day of December, 2001

(TO BE PUBLISHED IN PART II, SECTION 3, SUB SECTION(11) OF THE
GAZETTE OF INDIA, EXTRAORDINARY DATED 14.5.1999)

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 14.5.99

S.O. 2322(E)- Whereas the Shah Nawaz Khan Committee and the Krishna Commission of Inquiry appointed by the Government of India in April, 1956 and July, 1970 respectively to inquire into and to report to the Government of India on the circumstances concerning the departure of Netaji Subhas Chandra Bose from Bangkok about the 16th August, 1945, his reported death as a result of an air craft accident, and subsequent developments connected therewith had come to the conclusion that Netaji Subhas Chandra Bose met his death in an air-crash;

And, whereas there is a wide spread feeling among the public that the issue of finding the truth about Netaji's death still remains;

And, whereas there has been a consistent demand for a further inquiry into the matter;

And, whereas the Calcutta High Court also directed the Government of India for a vigorous inquiry in accordance with Law, if necessary, by appointing a Commission of Inquiry for the purpose of giving an end to this controversy;

And, whereas a Motion was adopted on 24.12.1998 by the West Bengal Legislative Assembly wherein a demand has been made for a fresh inquiry into the matter to remove the mystery regarding the whereabouts of Netaji Subhas Chandra Bose;

And whereas the Central Government is of the opinion that it is necessary to appoint a Commission of Inquiry for the purpose of making an indepth inquiry into a definite matter of a public importance, namely, the disappearance of Netaji Subhas Chandra Bose in 1945;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (2) of section 3 of the Commissions of Inquiry Act, 1952(60 of 1952), the Central Government hereby appoints a Commission of Inquiry consisting of Mr. Justice M.K. Mukherjee, a retired Judge of the Supreme Court of India.

2. The Commission shall inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith including:-

- (a) whether Netaji Subhas Chandra Bose is dead or alive;
- (b. if he is dead, whether he died in the plane crash,

- 33
- as alleged:
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
 - (d) whether he has died in any other manner at any other place and, if so, when and how;
 - (e) if he is alive, in respect of his whereabouts.

3. The Commission shall also examine the manner in which the exercise of Scrutiny of Publications touching upon the question of death or otherwise of Netaji can be undertaken by the Central Government in the circumstances.

4. The Commission shall submit its report to the Central Government as soon as possible but not later than six months from the date of publication of this notification.

5. The headquarters of the Commission shall be at New Delhi, and/or any other place as determined by the Commission.

6. The Central Government is of the opinion that, having regard to the nature of the inquiry to be made and other circumstances of the case, all the provisions of sub-section(2), sub-section(3), sub-section(4) and sub-section(5) of section 5 of the Commissions of Inquiry Act, 1952 (60 of 1952) should be made applicable to the said Commission and the Central Government in exercise of the powers conferred by sub-section(1) of the said section 5, hereby directs that all the provisions of the said sub-sections (2) to (5) of that section shall apply to the Commission.

15 May 99
(NIKHIL KUMAR)

SPECIAL SECRETARY (ISF)

(F.No. VI/11034/18/98-IS(D.II))

34
State man 7-12-1999

MUKHERJEE COMMISSION OF INQUIRY

'B' Block (3rd floor)

11A, Mirza Ghalib Street, Calcutta-700087

NOTIFICATION

No. Noth/010/99/JMC

Dated, Calcutta, the 3rd, Dec. 1999

In exercise of the powers conferred by sub-sections (1) & (2) of Section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government vide its notification No. S.O. 309(E) dated 14th May, 1999, published in Part-II, Section 3, Sub-section (1) & (2) of the Gazette of India, Extraordinary dated 14-5-99, has appointed a Commission of Inquiry comprising of Hon'ble Mr. Justice M. K. Mukherjee, a retired Judge of the Supreme Court of India, to inquire into all the facts & circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith including:

- Whether Netaji Subhas Chandra Bose is dead or alive;
- If he is dead, whether he died in the plane crash, as alleged;
- Whether the ashes in the Japanese temple are ashes of Netaji Subhas Chandra Bose;
- Whether he has died in any other manner at any other place and, if so, when & how;
- If he is alive, in respect of his whereabouts.

Besides, the Commission has been asked to examine the manner in which the exercise of scrutiny of publications touching upon the question of death or otherwise of Netaji Subhas Chandra Bose can be undertaken by the Central Government in the circumstances.

Notice is hereby given that all individuals, group of persons, associations, institutions & organisations acquainted with or having knowledge, directly or indirectly, of the facts and circumstances relating to the matters referred to the Commission and having interest in the proceedings before the Commission or wishing to assist the Commission in making the inquiry into the matters referred to the Commission as mentioned above, may furnish their statement relating and relevant to the aforesaid matters, to the Commission on any working day (except Saturdays, Sundays & holidays) between 10-00 a.m. & 5-00 p.m., either in person or by duly authorised agent or through registered post/registered post at the office of the Commission at the place mentioned below, within two months of the publication of this notice.

Every such statement shall be accompanied by an Affidavit sworn in support of the statements made in the statement by the person furnishing the statement before a Metropolitan Magistrate or a Judicial Magistrate 1st Class or a Commissioner of Oath or any other persons authorised by law to administer oath.

Every person furnishing a statement as mentioned above shall also furnish to the Commission along with the statement a list of documents, if any, on which he proposes to rely and forward to the Commission. Wherever practicable, the originals or true copies of such of the documents as may be in his possession or powers and shall state the name and address of the person from whom the remaining documents may be obtained.

Every affidavit as stated above, shall be verified in the following manner:

"Verified that the statements made in paragraphs — of the above affidavit are true to my personal knowledge and those in paragraphs — from information received and believed to be true by me."

The Magistrate or Commissioner of Oath or Authority legally empowered to confer oath before whom the affidavit is sworn, shall make endorsements therein in the following manner:

"Sworn before me by the deponent who is identified to my satisfaction by — or is personally known to me. The affidavit has been read out in full to the deponent who has signed it after admitting it to be correct, on this the — day of — 1999

(Signature of the Magistrate)

The affidavit must state the occupation and the ordinary place of residence/abode of the deponent. If considered necessary, the deponent may file alongwith his affidavit a list of witnesses.

If the affidavit is in language other than English, it shall be accompanied by a translation thereof in English duly authenticated by an advocate or a Magistrate.

It may be noted that the proceedings before the Commission are judicial proceedings within the meaning of Section 193 & 228 of Indian Penal Code (Act XLV of 1860).

All statements, accompanied by affidavits, furnished in the manner stated above and within the time prescribed may be addressed to:

Secretary,
Justice Mukherjee Commission of Inquiry
11A, Mirza Ghalib Street, 3rd floor, Block 'B'
(South side of the old building)
Calcutta-700087
By Order of the Commission of Inquiry
P. K. Sengupta
Secretary
Justice Mukherjee Commission of Inquiry Calcutta

Ann-2104 (148/99)

24
ANNEXURE - P/2

W.P. 11195 (W) of 1999
(Bijan Ghosh -vs- Union of India and Ors.)

2/12
S.C.

Filed by Office or Advocate	Serial No.	Date.	Office notes, reports, orders or proceedings with signatures.
		1.12.99.	<p>Mr. Sadhan Roy Chowdhury Mr. Babyasachi Roy Chowdhury .. For the petitioner</p> <p>Mr. Rudra Jyoti Bhattacharyya .. For the intervener</p> <p>Ms. Chandrima Bhattacharjee Mr. Supriyo Chattopadhyay .. For the intervener</p> <p>Mr. Shyamal Mukherjee .. For Union of India</p> <p>Applications for addition of parties are allowed.</p> <p>Having heard the learned counsel for the parties, we are of the opinion that keeping in view the stand taken by us on behalf of the Union of India that it shall render all assistance to the Commission set up for enquiry as regards the whereabouts of Netaji Subhas Chandra Bose, it is not necessary to keep this application pending. We have no doubt in our mind that the Central Government shall fulfil the object and purpose for which the Commission had been set up and shall render all assistance to it. Furthermore, Commission of Enquiry and Act itself provides adequate power to the Commission to pass any order, inter alia, for production of documents, issuance of summons etc. and for such purpose it has all powers of a civil court under the Code of Civil Procedure. The learned counsel for the respondent states that he has received written instruction stating that a Commission headed by a retired Supreme Court Judge would surely aim at giving a clinching finding on the relevant issue and for this purpose the commission would give appropriate directions to all quarters for concerned records etc. and the Govt and other agencies would also respond appropriately in the circumstances.</p>

VIT-SP-95/99-1169C-80M

17/11

With the aforementioned observations, this

contd.....2...

26

W.P. 11195 (W) of 1999

L. 19.

Noting by O.Mee or Advocate.	Serial No.	Date.	Office notes, reports, orders or proceedings with signature..
			- 2 -
			application is disposed of
			Xerox certified copy of this order if applied for urgently, shall be given on priority basis.
S.B. Sinha, A.C.J. And M.H.S. Ansari, J.			

Handwritten signature
17/1

S.B. Sinha, A.C.J.
M.H.S. Ansari, J.

[Shri Vasant Sathe]

I find sometimes a contradiction in our behaviour. Statues or portraits are normally unveiled of only those who are no more with us. It is very seldom, except in the South, that a statue is unveiled of a person who is still alive. Normally it is not done. In the present case, on the one hand, we have unveiled the statues and portraits; on the other hand, we are maintaining that he is still alive. I think there is some contradiction which needs reconciliation.

If, for any reason, it is felt that the recommendation or report of the Commission is wrong, throw it out and have another fresh enquiry. In all seriousness, I would submit to Morarji that the only authority on this subject, who can go into it, who can really go to the areas where there is a likelihood of finding Subhas Chandra Bose is Prof. Samar Guha. He has photographs with him. I think, there should be a one-man Commission I am saying it in all humility and seriousness and that should be headed by Prof. Samar Guha. He can take all the assistance, the entire Government machinery can be placed at his disposal and he might even take the assistance of your scientific astrologer. There is substance in astrology and may be that it would help. But if any one can find Netaji Subhas Chandra Bose for us and if on any one's behalf supposing Netaji has taken sanyas, as the Astrologer says, and even then if any one can persuade him to come even in sanyas at least to give darshan to his people, it is only Prof. Samar Guha and nobody else. He has such a devotion and completed identification that you cannot find in anyone else. I would request the hon. Prime Minister, Shri Morarji Desai to appoint a one-man Commission headed by Prof. Samar Guha, give him all the assistance, than one can think of. Let him try his best to bring Subhas Chandra Bose to this land.

With these words, I conclude.

THE PRIME MINISTER (SHRI MORARJI DESAI): Mr. Chairman, Sir, I may differ sometimes from hon. friend, Mr. Samar Guha, but I can never doubt, even in my sleep, his sincerity. I have great admiration for the dedication with which he is pursuing this cause and yet we have to be realistic in this matter.

[There have been two enquiries into the report of the death of Netaji Subhas Chandra Bose in the air-crash on 18th August 1945 at Taihoku air-field during his air-journey to Manchuria, one by a Committee presided over by Maj. General Shah Nawaz Khan and the second by a one-man Committee of enquiry headed by Shri G. D. Khosla, retired Judge of the Punjab High Court. The Majority report of the first Committee and Shri Khosla held the report of the death as true. Since then, reasonable doubts have been cast on the correctness of the conclusions reached in the two reports and various important contradictions in the testimony of witnesses have been noticed. Some further contemporary official documentary records have also become available. In the light of those doubts and contradictions and those records, Government find it difficult to accept that the earlier conclusions are decisive. At the same time, Government feels that no useful purpose would be served by having any further inquiry. I hope that in the light of this statement, my hon. friend will withdraw his motion.]

PROF. SAMAR GUHA (Contd): Sir, Today is a great day for the whole Indian people, because a mortal sin, a treacherous crime that was committed against the epic hero of Indian freedom has been undone. If I say that Netaji was given burial, out of political conspiracy, it would not be an exaggeration. Although there was not an iota of doubt or any positive proof to the contrary that the plane crash was nothing but fake, and the alleged crash did not involve Netaji at all.

of people viz. the destitute, the poor and the not-so-poor are not available.

(d) The main thrust of the development strategy now adopted aims at significant reduction of poverty and unemployment in a decade. The Draft Plan (1978-83) has, therefore, accorded the highest priority to agriculture and allied sectors, irrigation and village and cottage industries which have the greatest capacity to absorb surplus labour. An expanded Minimum Needs Programme has also been provided for so that the living standards of the poor can be directly supplemented by the provision of certain basic amenities.

The Plan also gives special attention to the poor. It seeks to integrate provisions for the backward classes in general development programmes so that these can be effectively implemented. It provides for special sub-plans for the tribal areas. For area planning the selection of blocks is made in such a manner as to favour backward classes, agricultural labourers and small and marginal farmers.

In some States, such as Rajasthan, Antyodaya schemes are being implemented. These attempt to attack directly the poverty of the poorest and the destitutes.

Cotton Growers hit by unrestricted imports of Viscose Fibre

6625. SHRI D. D. DESAI: Will the Minister of INDUSTRY be pleased to state:

(a) whether the cotton growers in the country have been badly hit by the unrestricted imports of viscose fibre from Japan; and

(b) if so, the measures proposed to be taken to protect the interests of cotton growers?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY (SHRI JAGDAMBI PRASAD YADAV): (a) and (b). In view of acute domestic shortage of cotton during the cotton

season 1976-77, Government made it obligatory on cotton textile mills to use from January, 1977 non-cotton fibres to the extent of at least 10 per cent of their total fibre consumption and for this purpose liberal imports of man-made fibres were permitted. With the cotton situation turning out to be favourable during the current season (1978-79), the Government imposed import duty on viscose staple fibre and also increased excise duty on indigenous viscose staple fibre from January, 1979 and also withdrew the above statutory stipulation in February, 1979.

Ashes of Netaji Subhash Chandra Bose

6626. SHRI K. T. KOSALRAM: Will the Minister of HOME AFFAIRS be pleased to state:

(a) the action taken on the suggestion of General Fujiwara of the Japanese Imperial Army, the custodian of the ashes of Netaji Subhash Chandra Bose for ceremoniously handing it over to the Government of India;

(b) whether the Chief Monk, Matsusuki of Renkoji Shrine near Tokyo under whose care the urn containing the ashes is being kept has been contacted for this purpose; and

(c) if so, when the Government of India are going to receive the urn of ashes?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI DHANIK LAL MANDAL):

(a) In the light of reasonable doubts cast on the correctness of the conclusions reached in the two inquiry reports on the death of Netaji Subhash Chandra Bose, Govt. find it difficult to accept that the earlier conclusions are decisive. It will, therefore, not be possible to take any action at present on the suggestion of General Fujiwara.

(b) and (c). Do not arise.

29
ANNEXURE - 'P/5'

5/08/03

Dear Mr. Anuj Dhar

Thank you for your email dated on 07/19/2003 regarding to the accident happened on 08/16/1945. Your request has been forwarded through Office of the President, Republic of China and Taiwan Ministry of Transportation and Communications and then been processed by Civil Aeronautics Administration

First, the R.O.C. government drew back Taiwan after WWII, where belonged to Japanese since 1895 as a colony and the precise retrocession date was on 10/25 in 1945. Prior to that date, Japanese colonialists were still responsible of not only military but also civilian activities in Taiwan. Unfortunately, after reviewing all hand over records during the period from 8/14/1945 to 10/25/1945, there was no evidence shows that one plane had ever crashed at old Matsuyama airport (now is Taipei Domestic Airport) carrying Mr. Subhas Chandra Bose. However, the most significant and possible accident in the record shows there exists one U.S.C-47 transporter carrying 26 people (most of them are believed former American POWs just released from the camps in Philippines) crashed on 09/20-23/1945 in Mt. Trident, Taitung area, where is about 200 nautical miles away from Taipei southeasterly and 3000 feet high. All the search and rescue operations in accident were organized by both Japanese and U.S. military authorities while conducted by Taiwanese natives. We may not sure whether U.S. still hold the passenger lists of that crashed plane by the very limited information, but this is the most closest information we could gathered after the most effort we did in this regard.

Sincerely yours,
Lin, Ling-San
Minister of MOTC

!p!7406°Å°Y¼D!ª«H!ÜVH«H¼c!G¼æ°q³¼Å·NªH
¼c<motc@yes@motc.gov.tw>

সংবাদপত্রের পৃষ্ঠা থেকে

Indian Life, 27 February, 1953

Netaji in Russian Province

SECRETS OF K.P.S. MENSON'S INTERVIEW
WITH STALIN.

Let not the people of India be swayed to and fro by the interested propaganda ballyhoo about the death or murder of Netaji. After a careful assessment of current reports from reliable sources, LIFE can now explode the cob-webs of myths and blatant lies about his death and assert the **NETAJI IS ALIVE**. BUT THEN HE IS NOT A PRISONER IN THE HANDS OF STALIN but he prefers to live in a **COMFORTABLE CAMP** in a small village near **MAGNITOGORSK** in **RUSSIA**.

During his flight from Siam to his unknown destination, two planes took off from the Bangkok aerodrome. The plane that met with the accident was not carrying Netaji

and the victim of the crash was a **JAPANESE GENERAL**. The Japanese Lieutenant **KHAMI**, the bodyguard of Netaji in the other plane is still alive in Japan. According to reports, the plane carrying Netaji landed somewhere in Manchuria, still then under Japanese occupation.

With the formal cessation of war which followed the atom bomb on Nagasaki and Hiroshima, Japanese forces in Manchuria surrendered to Russian Army in the middle of August, 1945. Unnerved at the lightning speed of new developments, Netaji wanted to go in hiding but was captured by Russians and removed to a remote part of Siberia under orders of Kremlin.

বিমান দুর্ঘটনার সত্যতা নিয়ে সন্দেহ ১৯৪৫ সালেও ছিল, আজও আছে। বরং নতুন অনেক তথ্য আজ সেই সন্দেহকে অনেক বাড়িয়ে তুলেছে। একই সঙ্গে অনেক স্পষ্ট করে তুলেছে একটি তথাকথিত দুর্ঘটনাকে সত্য বলে প্রতিষ্ঠা করার ষড়যন্ত্রকে। পরিষ্কার হয়ে গেছে সেই সব মুখ যারা এই ষড়যন্ত্রের অংশীদার। দেখা যাক সংবাদপত্র কী বলেছে, কী বলেছে।

'Documents on Netaji lying in KGB vaults'

CALCUTTA, Sept. 13. — Several documents relating to Netaji Subhas Chandra Bose and his mysterious disappearance are still lying in the inaccessible archives of the disbanded KGB and in the official archive of the Russian President in Kremlin, reports PTL.

Special permission of the Russian Government is required to scrutinize them and it is believed that examination of these documents may eventually unravel the mystery behind Netaji's disappearance, at the end of the World War-II.

Dr. Purabi Roy (Jadavpur University), Dr. Hari Vasudevan and Dr. Subhanlal Dutta Gupta (both of Calcutta University), visited Moscow as scholars of the Asiatic Society, as part of the cultural agreement signed between Asiatic Society and the Institute of Oriental Studies, Moscow, to compile accessible materials pertaining to Indo-Russian relations during 1917 and 1947.

Since the available documents relating to Indian history were mostly in a disarray, the archives in the KGB office and in President's archive in Kremlin are expected to reveal the hitherto unknown facts about Netaji, they felt.

The Asiatic Society's General

Secretary, Dr. Chandan Roychowdhury, said the Prime Minister would be moved to request the Russian President to allow Indian scholars to have access to his archive in the Kremlin and also in the KGB's archive in Moscow for collecting more information about Indian leaders, and their contacts with the former Soviet leadership during the Second World War period.

The scholars, who spent about 6,000 U.S. Dollars for having access to the archives in Moscow, regretted that in most cases, they were not allowed to study the required files and documents. The problems were further accentuated due to 'restriction' imposed by a section of officials of the Indian Embassy in Moscow, they alleged.

The scholars quoted an article of V. Turetzky, a sub-editor of 'Asia and Africa Today', found among the archival materials, to say that the Russian agent sought to convey the message to Moscow in September, 1946, that the Soviet Government might have to contact "forward bloc as one of the major political parties in India and its leader, Subhas Chandra Bose". These references pointed to Netaji being alive even in 1946, the

scholars said.

Besides, there were references to Netaji's whereabouts in the communication made by the former Soviet ambassador to Japan, Jacob Malik, in the documents "we collected in the archives in Moscow", the scholars said.

Alleging that the Indian Embassy officials did not 'allow us to proceed further with the documents', they said most of the archival materials had been "sold out" by the Russian Government to the super powers, including the U.S., U.K. and France, soon after the collapse of the USSR. Most of the supervisors of the archives had left Russia and taken shelter in the U.S., they said.

They said that the valuable archival documents of the comintern, which controlled the international Communist movement, were unearthed in the archives. These included materials relating to the comintern's secret contact with the Communist Party of India through emissaries, studies on India, "not intended for public circulation and meant for study by leading comintern officials", names and records of activists sent to India by India specialists in the Soviet Union to carry on practical work.

Documents prepared on India from time to time by the Eastern Secretariat of the comintern, including Bukharin's written observations on India in 1928 and Prof. M N Roy's critique, Joseph Stalin's written alterations of the Draft Resolution on the colonial question in 1924, draft colonial thesis of Prof. M N Roy in 1921, thesis on India and World revolution by Virendranath Chattopadhyay, were among the materials collected by the Indian scholars.

According to them, 'very rare materials' of Raja Mahendra Pratap, who formed a Government of free India in exile, his lectures, letters and statements.

This includes his letter seeking permission of passage through Russia in 1916, to visit China and Japan, were obtained from the archives.

The documents, collected in the form of photo copies, micro-films, hand-written notes of more than 1,000 pages, are now in possession of the Asiatic Society under selective index.

The scholars regretted that despite repeated pleas, the authorities in the Russian archives did not allow them to have easy access to Netaji's war-time contacts with Russian leaders, including Stalin.

Vietnam archives hold key to Netaji flight

FROM PRABHA
JAGANNATHAN

INDIAN GOVERNMENT RELUCTANT TO PURSUE LEAD

Ho Chi Minh City, Sept. 25: The city of Saigon may even today hold the key to a crucial missing piece of Indian history related to the disappearance of Netaji Subhas Chandra Bose during World War II. Ironically, though, the Indian government seems reluctant to pursue this lead.

The government of the Socialist Republic of Vietnam has access to certain pictorial and documentary material on Netaji's last flight—during which he made a sojourn in Saigon city on his way to Taipei (Formosa) and Tokyo in Japan—before his final disappearance, according to the authorities.

"There is accessible material here on Netaji's stay in Saigon in 1945, when a large part of Indo-China was under Japanese domination. However, the Indian government is reluctant to pursue this lead, which is likely to help us unearth some exceedingly interesting material on Netaji's disappearance since it will reopen the entire issue," said a highly placed source.

However, Indian embassy officials, who admit the existence of "some material" including newspaper clippings related to the

event, dismiss this, saying, "The last thing we want is to embroil ourselves in another controversy over Netaji. Any talk of this is likely to get blown out of proportion immediately in India."

While some of this material was acquired by the government of the Socialist Republic of Vietnam in the post re-unification period from the authorities at the Majestic Hotel, where Netaji was put up by the Japanese government, material on Netaji is also believed to have been accessed by the government here while collecting archival material on both the World War II and the Vietnam War period.

Located along the Saigon river, the Majestic Hotel, once considered the city's most elegant and prestigious.

Netaji is also believed to have met the Vietnam Cong Sai (Vietnam Communist party) chief and father of the Socialist Republic of Vietnam, Ho Chi Minh, as well as the Burmese leader, Bamo, as part of his war-time strategy to garner support for the INA and Azad Hind Fauj.

The Forward Bloc MP, Mr Chitta Basu, who has for years been trying to get the Indian govern-

ment interested in retrieving all archival material related to the 50-year-old mystery of Netaji's disappearance in 1945, said, "There are a lot of theories about Netaji Subhash Chandra Bose's last flight in 1945. In 1943 (Octo-



ber 21), Netaji made Singapore his headquarters for declaring independence of Azad Hind from the British and opposition to the Allied forces. He met and discussed strategy with many leaders in the Southeast Asian region before he was flown on a Japanese plane in 1945 to Formosa.

Some evidence suggest that he did stop over at Saigon. Others claim it's just a 'smokescreen'."

Mr Chitta Basu, however, personally met former INA members in Thailand and Singapore who confirmed that the Netaji did stop over in Saigon in 1945.

Netaji Centenary: Now involved in efforts to get the Rao government interested in a nationwide centenary celebrations of Netaji next year, Mr Basu, in 1990, presented both the Indian ambassador as well as senior government officials in Moscow with all the documents on Netaji. "I requested senior party officials to help in retrieving all material of Netaji by accessing their wartime archives. They agreed, but the Indian government did not pursue the matter," he said.

When Mr Rao became Prime Minister, Mr Chitta Basu met both Mr Rao and the human resource development minister, Mr Arjun Singh, besides the Indian Council for Historical Research (ICHR) officials of the issue.

He also wrote to "friendly governments" in Southeast Asia

as well as in UK, Taiwan, China and Japan. But nothing transpired as the Indian government showed no interest in the centenary celebration, either.

Without the Indian government's active interest and support, Mr Chitta Basu stresses, there is no way of getting authentic information of what happened at that point of time in Indian history and the Freedom Movement.

Supreme Court verdict: Meanwhile, Netaji scholars and academicians in Calcutta are eagerly awaiting the Supreme Court verdict on the award of the Bharat Ratna to the Netaji, posthumously, by the Indian government.

The verdict, which is due at end October, is related to the contest of the award, both in the Calcutta High Court, and later, at the Supreme Court, as "fallacious, since the Netaji's demise has not been factually proved."

It is expected to restart the decades-old controversy on the Netaji's mysterious flight.

The government, which was asked by the Supreme Court to provide any evidence it may have on the issue, declined, arguing that all such information was classified.

Efforts are on to get the material declassified.

26 SEP 1994



ANNEXURE - P/7



43

PRIME MINISTER'S SECRETARIAT

A small amount of Rs. 200/- and odd was received by the Minister of External Affairs from our Embassy in Tokyo along with the ashes and other remains of the late Shri Subhash Chandra Bose. This money is being kept in the External Affairs Ministry.

2. I have consulted the Prime Minister about this and he agrees that this amount might be transferred to the INA Relief Fund. The Ministry might get into touch with the General Secretary of the AICC, 7 Jantar Mantar Road, New Delhi, and have this money transferred to the INA Fund. A receipt might be obtained for the Ministry's record.

(M.O. Kathal)
2.12.1954.

JS(AD) - Shri Prem Krishen.

PM's Secy 14/6/50 D/S 13170 Dt 2/12/54

Certified to be the
Xerox copy of page 19
of File No 23(II)/52-57 PM-INA Finance;
Exhibit 24-C.

8/08/54
C.M. CHATTERJEE
Court Master
Justice Mukherjee Commission
of Inquiry Calcutta
11A, Mirza Ghalib St.
Calcutta-700007

MINISTRY OF HOME AFFAIRS

(Security Division)

NOTIFICATION

New Delhi, the 14th November 2004

S.O. 1265(E). —In exercise of the powers conferred by Sub-section (1) of Section 3 of the Commissions of Inquiry Act, 1952 (No. 19 of 1952), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Home Affairs number S.O. 339(E), dated the 14th May, 1999, namely:—

In the said notification, for paragraph 4, the following paragraph shall be substituted, namely:—

4. The Commission shall submit its report to the Central Government as soon as possible but not later than the 14th May, 2005."

[F. No. VI/11034/18/98-LS-D III/NCB-II]

RAKESH, Jr Secy

Note: The principal notification appointing the Commission was published in the Gazette of India vide No. S.O. 339(E), dated 14-5-1999 and subsequently amended vide —

- (i) S.O. 339(E), dated the 14th May, 1999,
- (ii) S.O. 1090(E), dated the 14th Nov., 1999,
- (iii) S.O. 462(E), dated the 14th May, 2000,
- (iv) S.O. 429(E), dated the 14th May, 2001,
- (v) S.O. 508(E), dated the 14th May, 2002,
- (vi) S.O. 546(E), dated the 14th May, 2003,
- (vii) S.O. 1313(E), dated the 14th Nov., 2003; and
- (viii) S.O. 574(E), dated the 14th May, 2004

No.11034/18/98-NCB-II
Government of India
Ministry of Home Affairs

New Delhi, dated the 19.11.2004

To

Shri P.K. Sengupta,
Secretary,
Justice Mukherjee Commission of Inquiry,
B- Block, (III Floor),
11/A, Mirza Ghalib Street,
Kolkata-700087.

Subject: Extension of the term of Justice Mukherjee Commission of
Inquiry beyond 14.11.2004.

Sir,

I am directed to refer to you letter No.JMCI/Admn/99-2000/32(ii)/196, dated 7.9.2004 on the subject noted above and to say that the term of Justice Mukherjee Commission of Inquiry has been extended up to 14.5.2005 vide notification dated 14.11.2004 (copy enclosed).

I am also directed to request that the Commission may complete and submit its report within the extended period as it has been decided that no further extension beyond 14.5.2005 will be allowed.

Yours faithfully,


(UMESH KALRA) *cy/r*
Director(S)

Indified
(Chatterjee) 23.12.04
G. H. CHATTERJEE
Court Master
Justice Mukherjee Commission
of Inquiry Calcutta.
11A, Mirza Ghalib Street
Calcutta-700087

Report as on 07.12.2004 (Annexure) showing action taken on / compliance with the orders of the Commission including those contained in its various proceedings.

2. Annex copies of the proceedings dated 15.10.2004 and of the Status Report as on 15.10.2004 have been sent to the Secretaries, Ministry of Home Affairs, Ministry of External Affairs, Cabinet Secretariat as also to the Director, Intelligence Bureau, Government of India, for their information and favour of taking necessary action at their discretion in respect of such of the matters therein as may be applicable to them).

3. Notice has been sent to each of the deponents and other authorities concerned regarding the next hearing of the Commission which is scheduled to be held on 19.12.2004 and if need be, on 19.12.2004 at 11.00 O'clock in the forenoon at the Seminar Hall, Secretariat Building, Mahatma Sadan, 106, Chatterajan Avenue, Kolkata-700007 and all witnesses have been summoned for their examination/further examination during the said hearing.

4. Pursuant to the statements (supported by affidavits) made by the deponents of the Commission, the depositions given by some witnesses examined by it as also records made available to the Commission, it had had been corresponding with the Government of India, through letters and personal meetings of the Secretary and the Hon'ble Chairman with the appropriate authorities of the Government of India. The first of such letters of the Commission is the letter bearing No. JMCI/DOC (FOR)/99-2000/56/503 dated 06.02.2001 requesting the Secretary, Ministry of External Affairs, Government of India, to kindly persuade the Government of Russian Federation as also the Government of states which previously belonged to the remaining territorial limits of the USSR so that the archival documents concerning Netaji Subhas Chandra Bose / Indian National Army, if any, lying in the relevant archives in those countries could be scrutinized by / or on behalf of the Commission and certified copies of Micro-Films / Micro-Fiches of the relevant documents could be taken by the Commission immediately. The first response received from the Ministry of External Affairs, Government of India, was on April 27, 2001. In their last response dated September 8, 2004 in the matter, they have stated, inter alia, "Your Mission in Moscow is still awaiting confirmation from the Russian Foreign Office with regard to JMCI's request for access to the archives in Russia."

While the Commission was anxiously awaiting further communication from the Ministry of External Affairs, Government of India, the letter No. 11034/18-98-NCB-II dated 19.11.2004 of the Director, Ministry of Home Affairs, Government of India, was received along with a copy of the notification dated 14.11.2004 extending the term of the Commission upto 14.05.2005 wherein it has also been stated: "I am also directed to request that the Commission may complete and submit its report within the extended period as it has been decided that no further extension beyond 14.05.2005 will be allowed". In reply thereto, the Joint Secretary (CNV), Ministry of External Affairs, Government of India, has been intimated inter alia, by d.o. letter No. JMCI/EO/2002-2004 (III)/292 dated November 23, 2004: "I am directed to request you to note that in view of peremptory direction of the Government of India" in their aforesaid letter dated 19.11.2004 and in view of the fact "that the Commission cannot undertake its proposed visit, for the purpose of its inquiry, to Moscow and other places of the Russian Federation including Omsk until the bitter winter season there is over - which is not likely before Nov. 2005 - the Commission is constrained to cancel its programme of visit to the

47

Russian Federation". A copy of the said letter dated November 23, 2004 of the Secretary has been endorsed to the Director (IS), Ministry of Home Affairs, Government of India.

- 1 Further to the position stated in para (b) of the Status Report as on October 11, 2004, it is pointed out that a draft programme of the Commission for its visit to Singapore, Taipei, Vietnam, Bangkok, Malaysia and some other countries of Asia prepared on the basis of flight information received by the Commission has been enclosed with Commission's letter No. JMCI/Overseas-Witnesses/2000-01/70(III)/291 dated November 23, 2004 addressed to the Director (IS), Ministry of Home Affairs, Government of India, with a copy of the letter coupled with its enclosure endorsed to the Joint Secretary, Ministry of External Affairs, Government of India, so that the process of according sanction might be initiated by the Government without any avoidable delay, pending submission by the Commission the required proforma statement (which has since been sent to the Ministry of Home Affairs, Government of India on 02.12.04). In the context of the decision of the Ministry of Home Affairs that no further extension of the term of the Commission beyond 14.05.2005 will be allowed, it has inter alia, been pointed out in the said letter that necessary order of sanction be issued and communicated to the Commission with utmost despatch to enable the Commission to complete its visit to the abovesaid countries according to the said enclosed programme after giving the deponents at least 3 to 4 weeks' notice from the date of commencement of the visit.
- 5 The attention of the Director (CNV), Ministry of External Affairs, Government of India, has been drawn to Commission's letter No. JMCI/Overseas/Witnesses/2002-2003/70(II)/188 dated 05.08.2003 addressed to the Joint Secretary, (CNV), wherein the latter was requested to send particulars of some suitable willing Indian scholars/students of Post Graduate class available in the USA, indicating/suggesting the rate of remuneration, if any, acceptable to them unless they would agree to do the job of archival research at various American repositories of relevant historical documents relating to Netaji Subhas Chandra Bose, free of remuneration for academic interest or for the love and respect for Netaji. In the statement forwarded by the Ministry of External Affairs, Government of India with their d.o. letter no. 25/4/NGO-Vol.XII dated August 18, 2004, it has been stated, inter alia : "Our Mission in Washington has been requested to depute an Officer to look at the documents". In Commission's letter No. JMCI/Overseas-Witnesses/2000-01/70(III)/191 dated 02.09.2004 addressed to the Director (CNV), Ministry of External Affairs, Government of India, it has been stated, inter alia : "It may not be presumed that some specific documents have been offered by the American side which might be perused by an Officer to be deputed by the Indian Mission in Washington as it appears to have been stated" (in the statement of the Ministry of External Affairs at page 2 against para 4(c)(iv) of the said statement regarding the Commission's Status Report for June, 2004). It has also been stated in the said letter dated 02.09.2004 of the Commission : "What is needed is research work to find out whether there are relevant documents in the archival records in the USA". Further development in the matter is still awaited.
- 6 There has been little breakthrough as yet in the vital matter of DNA testing of the alleged mortal remains of Netaji Subhas Chandra Bose kept in the Renkoji temple in Japan notwithstanding close persuasion of the matter during the period of more than the past two years, by the Commission with the Ministry of Home Affairs and the Ministry of External Affairs, Government of India, and the direct approach by the Commission to

various organizations of India and abroad having expertise in DNA testing. In the context of the opinion of Dr. Lalji Singh, Director, CCMB at Hyderabad as expressed in his letter No. DCCMB/LS dated November 3, 2004, the Secretary in his d.o. letter No. JMCI/IO/2002-2003/83(11V/269 dated November 9, 2004 addressed to the Director (CNV), Ministry of External Affairs, Government of India with a copy to the Director (S), Ministry of Home Affairs, Government of India, has inter alia, requested the Director (CNV) to kindly intimate the Commission whether the Chief Priest of Renkoji temple would accede to a request to allow a competent person to be deputed by the Commission "to sort out the potentially less charred pieces of bones" from the Casket containing the alleged ashes of Netaji, for the purpose of ascertaining whether DNA may be extracted from the said pieces of bones. A copy of the said letter of Dr. Lalji Singh was enclosed with the aforesaid d.o. letter dated November 9, 2004 as also with the copy thereof endorsed to the Director (S), Ministry of Home Affairs. The consent of the Chief Priest of the Renkoji temple as sought for by the Commission, is still awaited.

7 In d.o. letter No. JMCI/Records/ND/99-2000/37(IV)/170 dated August 26, 2004 of the Secretary of the Commission, the attention of the Director (CNV), Ministry of External Affairs, Government of India, has been drawn to the photocopy of the note dated 02.12.1954 of Shri M.O. Mathai which was endorsed to the then Joint Secretary (AD), Shri Prem Krishan under P.M.'s Sectt. U.O. No. D/S 13170 dated 02.12.1954 as could be found in the photocopy of the top secret File No. 23(11)/56/57/PM of the P.M.'s office (Political Section) on the subject, "INA Treasure" wherefrom it appears that the Ministry of External Affairs received a small amount of Rs.200/- and odd along with the ashes and other remains of "Late Shri Subhas Chandra Bose" from the Indian Embassy in Tokyo and the Director (CNV) has been requested to report on the following points:

- i. When and under what circumstances were the alleged ashes of Netaji received by the Ministry of External Affairs from the Indian Embassy in Tokyo as mentioned in the aforesaid note dated 02.12.1954?
- ii. Where were the ashes and other remains mentioned in the said note dated 02.12.1954 preserved?
- iii. If not preserved, what did happen to those ashes and remains?

In d.o. letter No.25/4/NGO Vol.XII dated November 5, 2004 of the Joint Secretary (CNV), Ministry of External Affairs, Government of India, it has been stated inter alia: "The Indian Mission in Tokyo under instruction of New Delhi took over possession of the alleged ashes of Netaji at the Renkoji temple. However, with prior arrangement of Japanese Foreign Ministry and the temple Authorities, the ashes were not disturbed with the understanding that they would remain so until a decision has been taken by the Government of India". The merit of the aforesaid reply, given by the Ministry of External Affairs, Government of India to the Commission's queries mentioned above, will be considered by the Commission in due course.

- 8 The Director (S), Ministry of Home Affairs, Government of India, has again been requested by Commission's letter No. JMCI/Records/ND/99-2000/37(IV)/106 dated 12.07.2004 to take effective steps so that the File No.10/22/CM-68 is sent to the Commission without any further delay. He has also been requested therein that if the contents of the said file are still classified as Secret, the competent authority should be

49
moved so that the file may be made available to the Commission at least for the perusal of the Hon'ble Chairman as has been done earlier in the case of more than one file in respect of which privilege has been claimed by the Ministry of Home Affairs, Government of India. The response of the Ministry is still awaited.

9. Commission's letter No. JMCI/DOC(FOR)/99-2000/56(V)/228 dated September 28, 2004, the Director (CNV), Ministry of External Affairs, Government of India, has been furnished with a xerox copy of an article in Bengali titled, "Netaji 'Your Criminal', Nehru wrote to Attlee" authored by Shri Samit Dutta, a retired Director of the C.B.I., and published in the Dainik Statesman, dated 19.09.2004 wherein Shri Dutta has referred to one report dated 23.05.1946 sent by Mr. Danovan of American Consulate in Bombay (Mumbai) to the Home Secretary of the Government of the USA allegedly based on the information given to Mr. Danovan by his 'source'. The English translation of the said article has been sent to the Director (CNV), Ministry of External Affairs, Government of India, with Commission's letter No. JMCI/DOC-64(VI)/2004/293 dated November 23, 2004 as desired by him in his d.o. letter No. 25/4/NGO-Vol.XII dated October 12, 2004. The report and the particulars called for by the Commission in its aforesaid letter dated 28.09.2004 are awaited.
10. Further to the position stated in para 12 of the Status Report as on October 11, 2004, it is pointed out that the Joint Secretary (CNV), in his d.o. letter No. 25/4/NGO-Vol.XIII dated October 28, 2004 has intimated, inter alia, that Mr. Simon Tensing De Cruz, S/o. Late Gerold De Cruz, presently Singapore's Ambassador to Myanmar, has verbally informed the Indian Ambassador in Myanmar that his father did not serve as the Personal Assistant to Netaji Subhas Chandra Bose; that the correct title of book written by his father is **Rajak Rebels**; that the book has been out of print for long and no extra copy thereof is available; and that on being requested for a photostat copy of the book available with Mr. De Cruz, he has simply provided the Indian Ambassador with a photo copy of the Chapter which he considers to be relevant to Netaji. The said photo copy has been sent by the Joint Secretary (CNV) to the Commission with his aforesaid d.o. letter dated October 28, 2004 which is being studied.
11. By Secretary's Fax Message dated October 5, 2004, the attention of Dr. V.K. Kashyap, Director, CFSL, Kolkata, has been drawn to the Secretary's d.o. letter No. JMCI/EO/2002-2003/83(III)/103 dated July 6, 2004 to him regarding detection of latent finger prints in books, papers, etc. and he has been requested to kindly expedite the matter which is very urgent and important. The response of Dr. V.K. Kashyap is still awaited.
12. Further to the position stated in para 8 of the Status Report as on October 11, 2004 it is stated that the study report of Shri P.N. Chakravarty, Senior Research Officer of the Commission has been kept on record as desired by the Hon'ble Chairman.
13. By Commission's letter No. JMCI/DOC/99-2000/56(V)/289 dated 22.11.2004, the Joint Secretary (CNV) has been furnished with a xerox copy of the affidavit dated February 2, 2000 filed before the Commission by Shri Kamal Dutt of Vill. Station Road, P.O. Hojai, Dist. Nagaon, Assam 782435 with a request to furnish immediately information, if any available, regarding the Soviet Agent, Sayadyants V. who, according to Shri Kamal Dutt, the deponent, left Russia in 1959-60 permanently for India as mentioned in his said affidavit. The Joint Secretary was also requested to take necessary action so that the

50

Ministry of External Affairs, Russian Federation is approached for the documents allegedly kept in the Russian Archives of Foreign Affairs, Russian Federation as claimed by the deponent in his said affidavit. The response of the Ministry of External Affairs is awaited.

11. The Ministry of External Affairs, Government of India, in their statement containing para-wise comments on the Commission's Status Report for June, 2004 sent with their d.o. letter No 25/4/NGO-Vol.II dated August 18, 2004 have stated that they have not received any response from the Indian Mission concerned regarding an official paper bearing No 5190 which is an extract of a note of discussion between Lord Wavell, the then Secretary of State and R. Arthur Henderson held on August 27, 1945 as collected from the U.K. in course of the visit of the Commission to London and that the Mission has been reminded by the Ministry of External Affairs in the matter. The Director (CNV), Ministry of External Affairs, Government of India, in his d.o. letter dated 25/4/NGO-Vol.II dated September 30, 2004 has stated, inter alia, that the representative of the Indian High Commission in London made an exhaustive search with the help of Research Advisers at the British Library and the National Archives of the UK and "could not find any relevant material relating to the inquiry initiated by the Viceroy as mentioned in document No.5190".

JUSTICE MUKHERJEE COMMISSION OF INQUIRY

Proceedings dated 09.12.2004 (31st) held at the Seminar Hall, Anneve Building,
Mahajati Sadan, 166, Chittaranjan Avenue, Kolkata-700007.

December 09, 2004

Shri Lakshmi Pal, Advocate, representing the Government of India, Shri Chandrayee Alam, Advocate, appearing for the deponents of JMCI 23 & 45, Shri Keshab Bhattacharyee, Advocate, appearing for the Deponents of JMCI 19 and Shri Rudrayoti Bhattacharyee, Advocate, appearing for the deponent of JMCI 11 are present.

Eight witnesses were summoned for examination / further examination today of whom, five are present. They are: (1) Smt. Manwati Arya, (2) Shri J. K. Dutta, (3) Shri Kamal Dutta, (4) Shri Gorachand Dey, and (5) Shri Subrata Bose. First four of them have been examined as CWS 122, 123, 124 and 125 respectively. One newspaper clipping has been identified by the CW 123, Shri J. K. Dutta and marked as Exhibit 284. Shri Subrata Bose (CW. 72) has been further examined. Letters in five sheets of paper earlier marked collectively as Exhibits 276/1 series have been identified and proved by him. These are now numbered as Exhibits 276/1, 276/1(a), 276/1(b), 276/1(c) and 276/1(d). The affidavit filed by Shri Kamal Dutta (CW124) before this Commission and his signature thereon have been marked Exhibits 285 and 285/1 respectively.

Regarding service of summon upon the three absentee witnesses, it appears that there is no satisfactory proof of service of summons upon Shri Amar Singh (since retired) and Shri Dibyajyoti Base. Let these two witnesses be summoned again for their examination ~~on the next date of hearing~~ on January 07, 2005. Shri Amar Singh be also be directed to show cause why appropriate legal action should not be taken against him for his failure / refusal to appear before this Commission on October 15, 2004.

Dr. V. K. Kashyap, who was absent without any intimation on the last date of hearing on October 15, 2004 inspite of service of summons through his office, is also absent today without intimation inspite of similar service of fresh summons upon him. He has also not responded to the notice (served upon him along with the summons for appearance today) calling upon him to show cause why appropriate legal action should not be taken against him for his failure / refusal to appear before the Commission on the last date i.e., October 15, 2004. Since the evidence of Dr. Kashyap is material and since this Commission has reason to believe that he has, without lawful excuse, failed to attend in compliance with such summons, this Commission, in exercise of its powers under Section 4(a) of the Commission of Inquiry Act, 1952 read with Order XVI Rule 10 (3) of the Code of Civil Procedure 1908 direct that a warrant of arrest with a bail of Rs. 500/- be issued for his appearance / production before this Commission on the next date of hearing which is fixed on January 07, 2005. He is also directed to show cause why a fine not exceeding Rs. 500/- should not be imposed upon him for his failure to appear on two successive occasions viz. 15.10.2004 and this day in accordance with Order XVI Rule 12 of the said Code. The Commissioner of Police, Kolkata, is directed to ensure execution of the warrant.

Shri Satyabrata Tapadar, one of the deponents, has filed a supplementary affidavit on August 20, 2004 wherein he has, inter alia, asked this Commission to summon the persons named therein for examination by this Commission. As far back as on 20.01.2000 he had filed a statement supported by an affidavit in response to the public notice issued by the Commission and since then he has filed six supplementary affidavits. When Shri Tapadar, who is present today, is asked to justify the filing of the present one, he could not offer a valid reason. Apart from the fact that the affidavit is very belated one, it does not contain any new or sufficient material to persuade this Commission to entertain the same and, for that matter, to examine any of the persons mentioned therein. The prayer is rejected. Let the affidavit be treated as filed.

All files and photo copies of files received officially in the ordinary course of official business and not already marked as Exhibits be marked as Exhibits dispensing with formal proof of those files and photo copies of files.

Let eight photographs alongwith the CD ROM of the photos received officially in due course of official business from Shri C. Rajshekhar, First Secretary, and Shri D. Armstrong Changsan, Second Secretary, both of the Indian Mission in Japan, and their forwarding letter no. Nil dt. November 12, 2002 signed by both of them and also the original d.o. letter no. 25/4/NGO/Vol.IX dt. 23.09.2003 of Sm. Ruchi Ghanashyam, the then Director (CNV), Ministry of External Affairs, received officially in due course of official business, be marked as Material Exhibits (Photographs) XXV, XXV(a) to (g) and XXVI (CD ROM) and Documents Exhibits 286 and 287 respectively, dispensing with formal proof of those eight photographs, the CD ROM and two letters.

Let a copy of the relevant portion of this Order be sent to Shri Rakesh, Joint Secretary (S), Ministry of Home Affairs, Government of India for causing service on Dr V K Kashyap for his compliance.


(M. K. Mukherjee)
Chairman

JUSTICE MUKHERJEE COMMISSION OF INQUIRY

FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF

NETAJI SUBHAS CHANDRA BOSE.

'B' Block, (Third Floor)

11 A Mirza Ghalib Street, Kolkata-700087

Phone:

Chairman - 2252-2835

Secretary - 2252-2767

Officer on

Special Duty - 2252-2765

Office - 2252-2766/68

e-mail - jmcseba@cal3.vsnl.net.in

FAX - 2252-2768

No. JMCI Meeting-Hearing 99-2000/57(IV)/314(74)

December 16, 2004

From

Shri M. Roy, IAS (Retd.)

Officer on Special Duty

Under Certificate of Posting

To

All Deponents


Dear Sir,

I am directed to inform you that the Commission will hold its next sitting on 07.01.2005 starting at 11.00 AM at the Seminar Hall, Annexe Building, Mahajati Sadan, 166, Chittaranjan Avenue, Kolkata-700007, when the Commission is likely to examine / further examine the witnesses as named below :-

1. Dr. V. K. Kashyap,
2. Shri Amar Singh,
3. Shri Dibyajyoti Basu, and
4. Shri Madhusudan Pal

Besides transacting other business, the Commission will start hearing arguments. As agreed upon on the last date of hearing, the Learned Advocate, Smt. C. Alam, appearing for the deponents, Shri Paras Dutta (Affidavit / 23 / 2000) and Dr. Purabi Roy (Affidavit / 45 / 2000), will argue first.

Yours faithfully,



(M. Roy)

Officer on Special Duty

No. JMCI Meeting-Hearing 99-2000/57(IV)/314(74)

December 16, 2004

Copy forwarded to

1. Mr. Tarun Kumar Pal, Learned Senior Counsel, Government of India,
33, New Avenue, Kolkata 700040
2. Ms. Abha Dutta Roy, Learned Counsel for the Govt. of West Bengal,
Post. Ch. - XI, Porabahal Housing, Salt Lake City, Kolkata 700091

(M. Roy)

Officer on Special Duty



Kunal Sankar Chatterji -
Jagjit Singh
Madhusudan Pal
Joyanta Chatterji
Nandana Chatterji
Sudjit Dasgupta
Tanusri Chatterji
Sunil Krishna

District - Calcutta

"VAKALATNAMA"

In the High Court at Calcutta
In the

W.P. Suit Case No. (W) of 2004
Nandana Chatterji & Ors
Plaintiff/Petitioner/Appellant

Vs.
Union of India & Ors
Defendant/Opposite Party/Respondent

On behalf of the Petitioner above named

Know all men by these presents that by Vakalatnama I/We appoint the Advocates Pleaders noted below or any one of them as my/our lawful Advocate, Pleader or Advocates Pleaders for filing the memorandum of appeal or petition for entering appearance in the above matter for appearing in conducting and arguing the same for depositing or withdrawing any money in connection herewith, for moving the Court in any matter connected therewith for preparing the Paper Book in the case and for putting the papers, petition etc. on my/our behalf for filing or taking back any documents for withdrawing suits or appeals or petitions with permission to institute fresh suits etc. for signing and filing the petitions of compromise in connection with the said matters and for taking copies of paper from the Record, and I/We further say that any act, done by my/our said Advocate or Advocates, Pleader or Pleaders or by any one of them after accepting this Vakalatnama, shall be considered as my/our own true and lawful act. To the above affect, I/We execute the Vakalatnama

Dated..... 27.12.04

Mr. Rubejyoti Bhattacharya
Advocate
High Court, Calcutta,
Bar Assoc. - 1st, Room No. 2

Tanusri

55

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

APPELLATE SIDE

W.P. No. (W) of 2004 ;

In The Matter of :

An application under Art. 226 of the
Constitution of India ;

- And -

In The Matter of :

Nandalal Chakraborty & Ors.

... PETITIONERS

- VERSUS -

UNION OF INDIA & ANR.

... RESPONDENTS

P E T I T I O N

Mr. Rudra Jyoti Bhattacharjee
Advocate
Bar Association Room No. 2
High Court at Calcutta .